

In virtual Court

CRM-M-11120-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11120-2021 (O&M)
Date of decision: 19.08.2021

Nikhil Takhi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.122 dated 06.05.2020 under Sections 379-B(2), 397, 326, 341, 148, 149 IPC and Section 25 of Arms Act, registered at Police Station 'B' Division, Amritsar City, District Amritsar.

While granting interim bail to the petitioner, following order was passed by this Court on 12.03.2021: -

"...Counsel for the petitioner has argued that as per the allegations in the FIR, registered on the statement of the complainant Ajit Singh, they are three brothers and Gurdeep Singh and Pardeep Singh are his two elder brothers. The

petitioner is having a jewellery shop and on 05.05.2020 at about 10:40 PM, the complainant received a message from his cousin Vikramjit Singh that somebody has shot at Pardeep and he is lying outside Mohan Nagar near ICICI Bank and the complainant should reach there. On reaching the spot, the complainant found that his brother has suffered a gun-shot injury on the back of his leg. Upon enquiry, he informed that when he was going to his house, 03 persons on a motorcycle came in front of his scooter, out of them one was having a pistol and he asked him to hand over everything and forcibly took out Rs.2,000/- from the pocket and then fired at him with his pistol.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, 03 persons had committed the offence whereas the police has arrested Akash Arora @ Bhaanu, Simranjit Singh @ Kaka Bhullar @ Baba Bhullar, Aman Malik @ Nakul and Rajan @ Raja. It is further submitted that Askash Arora has been granted the concession of regular bail vide order dated 01.10.2020 passed in CRM-M No.29991 of 2020. It is also argued that the petitioner is later on, nominated on the basis of the disclosure statement of the other co-accused as one more FIR was registered against the co-accused in the said case and the petitioner was nominated in both the cases without verifying the allegations in the FIR.

Counsel for the State has, however, submitted that 06

persons have already been arrested in this case as they were found involved in one more FIR No.102 registered on the same day with similar allegations.

After hearing the counsel for the parties, considering the fact that the petitioner was nominated later on, on the basis of the disclosure statement as well as the supplementary statement of the co-accused, I deem it appropriate to grant the concession of interim bail to the petitioner...”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is no more required for further investigation.

Learned State counsel, on instructions from ASI Manjeet Singh, has not disputed the factual position and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 12.03.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

19.08.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No