

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-16525-2021 (O&M)

Date of decision: 26.11.2021

Krishna Sahni @ Laddo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Anterpreet Singh, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

Custody certificate filed which be taken on record.

This second petition for regular bail has been filed by petitioner Krishna Sahni @ Laddo, an accused in FIR No.139 dated 09.06.2020, for offences under Sections 307, 506, 294, 148, 149, 120-B IPC and Sections 25 and 27 of Arms Act, registered with Police Station Division No.3, District Ludhiana. The first petition filed by him was dismissed by this Court, vide consolidated order dated 16.10.2020.

Briefly stated facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Raj Kumar son of Late Kuldip Raj, resident of House No. 5063, Street No.5, Mohalla Dharampur Jatta Wali Street, Ludhiana, Police Station Division No.3 Ludhiana, who in the statement made by him to the police

stated that on the fateful day i.e. 9.6.2020, he alongwith his family members was sleeping in his house and main gate of the house was locked. His sister namely, Sunita Sharma @ Reeta w/o Varinder Singh, alongwith her family has been living on the first floor of the house for the last about 25 years. At about 1.25 a.m., some unknown persons on the motorcycles came in front of the house and started abusing Rishab Benipal @ Nanu, nephew of the complainant. Such persons were armed with weapons and they fired gunshots on them with an intention to kill them, while they were asleep. One gunshot crossed over them and hit wall of the room, whereas other gunshot crossed over the main gate of the house and fell in the room. However, fortunately no member of the family was hurt. Sunita Sharma @ Reeta had gone to terrace of the first floor and had observed that there were two persons on one motorcycle, whereas one person on other motorcycle, who were firing gunshots and abusing Nanu in his name. Thereafter, they left the spot giving threats to kill the complainant and his family members. When the CCTV footage from such camera installed in the neighbourhood was checked, they found five persons on two motorcycles. The complainant said that they could recognize them if they were brought before them. After registration of the FIR, the investigation in the case started. Simranjot Singh, Ajay Kumar and Krishna Sahni @ Laddo, were nominated.

The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge (FTC), Ludhiana vide order dated 20.07.2020, as such, he has

approached this Court with the same request, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has submitted that it is a case of no injury; the petitioner is not named in the FIR and no identification parade was carried out, therefore, connection of the petitioner with the incident cannot be established. As a matter of fact, the petitioner was in judicial custody at the relevant time and the only allegation against him is that he was in touch with other accused by way of video conferencing. With regard to other criminal cases against him, petitioner Krishna Sahni @ Laddo, is said to have been granted bail in FIR No. 260 dated 09.10.2019, registered under Sections 307, 323, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act, Police Station Moti Nagar, Ludhiana, by this Court, vide order dated 17.11.2020, copy Annexure P-2 and in FIR No.139 dated 09.06.2020, registered under Sections 307, 506, 294, 148, 149, 120-B IPC and Sections 25 and 27 of the Arms Act, with Police Station Division no.3, Ludhiana by this Court, vide order dated 04.03.2021, copy Annexure P-3.

Whereas, this request is being opposed by learned State counsel.

However, I find that though the earlier petition for regular bail filed on behalf of the petitioner was dismissed, vide detailed order dated 16.10.2020 but not much progress has been made in the trial

inasmuch as the trial is stated to be at the stage of framing of charge, fixed for 03.12.2021. In that way, the conclusion of trial is likely to take considerable time. The petitioner is behind bars in this case for more than 01 year and 05 months. The very fact that no progress in the trial has been made since dismissal of the first petition for bail, which was about one year back, requires to be taken as change in circumstances. Therefore, I find that the present petition deserves to be allowed. As such, the petition is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Ludhiana, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;
- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

26.11.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No