

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

CRM-M-19852-2021 (O&M)

Date of decision: 07.07.2021

Rakshit Saini

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. J.S. Thakur, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Reply along with annexures filed by State counsel be taken on record.

This petition for regular bail has been filed by petitioner Rakshit Saini, an accused in FIR No.9 dated 11.01.2020, for offences under Sections 307, 341, 506, 34 IPC and Section 25 of the Arms Act, registered with Police Station Gate Hakima, Amritsar.

In nutshell, the prosecution story is that, on 10.01.2020 at about 8.30 PM when complainant Love was going on his motorcycle to get a hair cut and he had reached near Street No.2 situated near house of Baba Lubhaya, then he found three persons standing, one of which was Nitin son of Ashru, whereas others were having muffled faces; Nitin intercepted complainant Love and asked him to give his motorcycle but

Love refused to do so; he took out key of his motorcycle and threw it away; the persons with him having muffled faces caught hold of complainant from his arms; complainant freed himself and started running; Nitin took out his pistol and fired at complainant four times with intention to kill, hitting him on various parts of his body; the injured was taken to hospital, where he was medically treated and medico-legally examined; on matter being reported to the police, formal FIR was recorded in the matter; Nitin was arrested in this case; during course of investigation, name of Rakshit Saini-present petitioner cropped up as one of the culprits having muffled faces; he was accordingly arrested in this case on 22.06.2020.

Petitioner had filed a petition for regular bail before the Court of Sessions at Amritsar. That application was assigned to Addl. Sessions Judge, Amritsar, who vide order dated 04.11.2020, dismissed, the same. As such, he has approached this Court craving for grant of similar relief, by way of filing the present petition, 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 contended that co-accused of the present petitioner, namely, Harsimran Singh @ Simu, who was similarly placed, has been granted the concession of regular bail by this Court by allowing petition bearing No.CRM-M-39251-2020 on 20.04.2021, copy Annexure P-2 and the case of the present petitioner is at par with him.

After going through the record, I find that the petitioner is neither named in the FIR nor any salient features have been given from which the petitioner could be connected with the crime. Only one of the culprits i.e. Nitin has been named in the FIR, whereas, his two accomplices are said to have their faces muffled. The main culprit in this case was Nitin, who had fired shots on the complainant, causing him injuries. The name of the present petitioner cropped up during investigation of the case. Though, he is said to be involved in 02 more cases but the petitioner is said to be on bail and he has not been convicted in either of the case. The details of such cases are as under:-

1. FIR No.05 dated 20.09.2018, registered under Section 25 of Arms Act, at Police Station Special Operation Cell, SAS Nagar.
2. FIR No.170 dated 11.06.2020, registered under Sections 341, 506, 34 IPC and Section 25 of Arms Act, at Police Station Sadar, Amritsar City.

The conclusion of trial is likely to take some time, more so, when functioning of the Courts had been adversely affected on account of outbreak of COVID-19. Considering all the facts and circumstances of the case, I find it a fit case to grant benefit of regular bail to the petitioner. Therefore, the present petition is allowed. 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, Amritsar, 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 Police Station Gate Hakima, Amritsar 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 activities and he is deterred from indulging in any criminal activity.

To ensure that the petitioner does not abscond, it is directed that the Magistrate accepting the bonds shall call for furnishing of some local surety having documentary proof of immovable property within the local jurisdiction of the Court and endorsement be got made on the original document with regard to having said person stood surety for the petitioner and copy of that document be got attached with the bonds.

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.

07.07.2021

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(H.S. MADAAN)
JUDGE

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