

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

**Crl. Misc. No.M-23308 of 2017 (O&M)
Date of Decision: September 18, 2017.**

Akshay Kumar @ Babloo

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjeev K. Virk, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, AAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 164 dated 31.08.2016 registered for the offences punishable under Sections 307, 148 read with Section 149 of Indian Penal Code and Sections 25 of Arms Act (added later on), at Police Station Division No.8, Jalandhar.

Heard.

Learned counsel for the petitioner submits that petitioner, who was muffled face at the time of occurrence, was named by the injured and attributed injury caused with *Khanda* on his leg. Another co-accused Vinod Kumar, who was also muffled face, was attributed injury on the head of complainant with sword. Said Vinod Kumar has already been released on anticipatory bail vide order dated 21.08.2017 passed in CRM-M-15318-

2017. The petitioner was summoned by the trial Court on the application of

prosecution under Section 319 Code of Criminal Procedure and is in custody since 04.05.2017.

Learned State counsel on instructions from ASI Malkiat Singh submits that after recording statement of injured Lal Chand, the matter was under investigation. The police after completion of investigation has presented supplementary challan against the petitioner. He, however, admits that Vinod Kumar, other co-accused with similar allegations, has been allowed anticipatory bail by this Court.

Keeping in view the nature of injury attributed to the petitioner, his period of incarceration and the fact that conclusion of trial will take considerable long time, the present petition is allowed. Petitioner Akshay Kumar @ Babloo is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

September 18, 2017
Sachin M.

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No