

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44534 of 2016
Date of Decision: 23.01.2017

Vicky Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, 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. 252 dated 26.11.2015 registered for offence punishable under Section 302 read with Section 34 of Indian Penal Code (for short 'IPC'), at Police Station Division no. 5, District Ludhiana.

Heard.

As per case of prosecution, Loverattan (deceased) was having affair with Jyoti, cousin of petitioner. On the day of occurrence i.e. 25.11.2015, he had gone to house of Jyoti to meet her where he was caused injuries by petitioner and Baggu, as a result of which he died at the spot.

Admittedly, occurrence had taken place in front of the house of Jyoti. As per version mentioned in DDR No. 26 dated 27.11.2015, registered at Police Station Division no. 5, Ludhiana, Jyoti has stated that the deceased came alongwith 6-7 persons to her house. On that day, her marriage was fixed and the deceased wanted Jyoti to marry him. He gave

iron rod blow on head of Jyoti and in the meanwhile, Baggu (co-accused) also came there. He snatched rod from the hand of deceased and gave a blow on his head, as a result of which the deceased fell down.

As per police version, there is CCTV footage of the occurrence, which has been made part of the challan.

Keeping in view the fact that the deceased had gone to house of Jyoti, where the incident had taken place, and the fact as to who was the aggressor and also the version of Jyoti in DDR, are to be seen by the trial Court during course of trial, the instant petition is allowed. Petitioner-Vicky Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

January 23, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No