

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4468 of 2017

Date of Decision: 06.04.2017

Ajay Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tarun Vir Singh Lehal , Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.5 dated 11.01.2016, registered for offences punishable under Sections 323, 324, 326 and 308 of Indian Penal Code (for short, "IPC") at Police Station Batala City, District Gurdaspur.

Heard.

As per case of prosecution, the occurrence took place on 07.01.2016 at about 11.00 a.m., when the petitioner had scuffled with complainant. He and his associates caused injuries to complainant-Rakesh Mahajan. Brick bat blow was also given on head of the complainant and the said injury was declared as dangerous to life.

Learned State counsel submits that the challan has already been presented in this case. Five witnesses have been examined and 11 more witnesses are yet to be examined.

The petitioner was arrested on 08.10.2016 and since then he is

in judicial custody.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Ajay 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

April 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No