

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-4987 of 2018 (O&M)
Date of decision : 26.03.2018

Ashok Kumar alias Gudda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajeev Dev Sharma, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in cross case bearing DDR No.35 dated 18.03.2006, registered under Sections 307, 325, 323, 506, 148, 149 IPC (challan has been presented under Section 308 IPC and offence under Section 307 IPC has been deleted) at Police Station Sadar, Pathankot, District Gurdaspur (Now District Pathankot) in case FIR No.53 dated 09.03.2006, registered under Sections 307, 323, 324, 447, 511, 148, 149 IPC at Police Station Sadar, Pathankot, District Gurdaspur (now District Pathankot).

Learned counsel for petitioner has submitted that the petitioner is suffering from cancer and prays for grant of regular bail to him.

Learned State counsel has affirmed this fact and conceded that as per the medical record, the petitioner is suffering from cancer.

Earlier the petitioner was on bail but later he went abroad and could not be arrested and was declared proclaimed offender. Now he has been arrested.

As per custody certificate, produced by learned State counsel, the petitioner has already undergone 05 months and 19 days.

Without expressing any opinion on merits of the case and keeping in view the facts regarding the illness of the petitioner and further on humanitarian grounds and also that the conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Ashok Kukar alias Gudda is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Pathankot, 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- (b) *In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.*

26.03.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No