

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

CRM M-38643 of 2019

Date of Decision: November 26, 2019

Ashok Kumar

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Ankur Bansal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 39 dated 11.05.2012 under Sections 448, 511, 324, 452, 323, 509, 148 and 149 IPC registered at Police Station Bhogpur, District Jalandhar.

The allegations against petitioner Ashok Kumar have come from complainant Pawan Kumar. It is alleged that on 29.04.2012 on the 'Bhog Ceremony' of Joshi Gurdan Singh Ji, two groups of persons had a fight, which led to verbal dual. On

the same very day around 04.30 p.m., it is alleged that while the complainant and others have locked the outer gate, the accused persons, namely, Lahwinder Singh @ Lakha armed with datar, Balvir Singh @ Bittu armed with baton (dasta kahi), Sodhi armed with kahi and Ashok Kumar by climbing the boundary wall of Dera trespassed into the Dera and assaulted the accused. The only role attributed to the petitioner is that he managed to open the gate after scaling down the boundary wall.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner is behind the bars for more than 05 months and only role attributed to him is that he has trespassed the Dera premises and opened the main gate.

Ms. Sakshi Bakshi, AAG, Punjab on instructions from ASI Narinder Singh does not dispute the facts that have been brought to the notice of this Court but has sought to oppose the grant of bail on the ground that the petitioner was earlier declared as a *proclaimed offender* and, if allowed bail, he might again abscond.

Going through the submissions, it is own stand of the prosecution that there is no specific role in causing the injuries is attributed to the petitioner and he is behind the bars since a long time and the investigations and the trial are not likely to be concluded in near future. Thus, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail subject to his

furnishing heavy bail bonds with two sureties in the like amount each to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

November 26, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No