

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

**Crl. Misc. No.M- 50281 of 2019 (O&M)
Date of Decision: December 03, 2019**

Anil Thakur

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

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. 121 dated 08.06.2019 registered for the offences punishable under Sections 307, 323, 325, 506, 427, 148 read with Section 149 of Indian Penal Code, at Police Station Focal Point, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. Rakeshinder Singh Sidhu, A.A.G, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per the case of prosecution, occurrence took place on

the shop of complainant, where petitioner along with his co-accused Rohit @ kaka, Devraj, Jatinder and 7/8 other persons came armed with iron rod, *gandasi* type weapons and baseball bats. They caused injuries on the person of Rohan and complainant.

Learned State counsel on instructions from HC Jaswinder Singh submits that the petitioner has been attributed injury on the head and jaw of Rohan Kumar which was declared as grievous in nature attracting the provisions of Section 325 IPC. On query, he submits that no injury on the person of Rohan Kumar or complainant was declared as dangerous to life.

Learned counsel for the petitioner submits that the petitioner was arrested in this case on 04.07.2019 and injury attributed to him make out a bailable offence. Though, the police has mentioned the offence under Section 307 IPC in FIR but the same is not attracted in the facts and circumstances of the case. Co-accused Jatinder, who was also attributed simple injury on the person of complainant has been allowed regular bail vide order dated 16.09.2019 passed in CRM No. M-38491 of 2019.

Keeping in view the period of incarceration of petitioner and that challan has been presented in the Court and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Anil Thakur 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

December 03, 2019
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***