

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-17739-2023

Date of Decision.:02.08.2023

Akal Kumar @ Akul Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Dinesh Mahajan, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of this second petition under Section 439 Cr.P.C in case FIR No.143 dated 05.08.2012 registered under Sections 307, 323, 324, 325, 506, 120-B, 148, 149 of the IPC, 1860 and Sections 27 of Arms Act, 1959 registered at Police Station Jhabal, District Tarn Taran.

2. Earlier, petitioner was allowed regular bail by this Court vide order dated 28.05.2013 in CRM-M-16463-2013, after observing that petitioner was attributed to be armed with *kirpan* and had given blows on the legs, right hand and left elbow of the complainant. Petitioner later on absented from trial on 24.02.2016 and was declared proclaimed offender on 21.05.2016.

3. It is contended by learned counsel for the petitioner that in fact petitioner could not appear before the Trial Court as he was having threat perceptions. The said threats come true when he was shot and was admitted

in the hospital on 10.08.2016 as per Annexure P-4. The PCR picked up the petitioner and admitted him in the hospital. After his recovery, he was taken into custody in this case.

4. Learned State counsel opposed the bail petition but did not refute the contentions. Status report dated 07.07.2023 by way of an affidavit of Shri Jaspal Singh, PPS, Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran in compliance of order dated 26.05.2023 has been filed on behalf of respondent- State. As per the custody certificate placed on record by learned State counsel, petitioner is in custody since 25.04.2023.

5. Having regard to all the aforesaid facts and circumstances but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

August 02, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No