



226

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

CRM-M-23460-2025

Date of Decision:23.05.2025

AKASH KUMAR ALIAS KANSI ALIAS ASHOK

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sachin Ohri, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.35 dated 29.03.2024, registered under Sections 307, 323, 324, 34 IPC (Section 326 of IPC added later on), Police Station Sujampur, Pathankot, District Pathnakot.

2. The FIR in the present case was registered on the basis of the statement made by Prince Sidhu and the same has been reproduced below:-

“Statement of Prince Sidhu S/o Ved Masih Sidhu R/o Shekhan Mohalla Sujampur District Pathankot aged around 33 years Mobile No. 95010-66616 stated that I am residing above mentioned address and working on the contract basis at Punjab Mandi Board. On dated 25.03.2024, I was present at my home then my friend namely Kumar Gaurav S/o Kishan Chand R/o came at



my home Shekhan Mohalla Sujanpur District Pathankot. Then my friend Kumar Gaurav came and told that Akash@ Kashi and his brother Abhay S/o Rakesh Kumar R/o Prem Nagar Sujanpur Hall Chak Phull Pyara Sujanpur had taken quarrel with him at near Shani Mandir Bridge No. 4 Sujanpur due to his motorcycle has struck with his scooty of above said persons. Then I and along with my friend Kumar Gaurav went to the house of Akash @ Kashi and above said persons for talking about the incident then around 09:30 PM when we reached at his house then Akash @ Kashi met us at outside of his house then Akash @ Kashi picked one brick from the street and attacked two times on Kumar Gaurav which was hit on his head and Gaurav was injured when I take back the Kumar Gaurav and reached at Madhopur beas link river bridge of bhanwalpur then Abhay armed with datar along with Kannu s/o Sabi r/o prem nagar Sujanpur armed with datar came from Sujanpur side and Akash @ Kashi came from the back armed with Kirch Akash @ Kashi gave four blows of kirch on me with the intention to kill me which was hit on my chest, abdomen, back of the neck and right arm then Abhay attacked on me with datar with the intention to kill me which was hit on my head then I put forward my right arm for defending myself which was hit on my right arm, Resultantly I fell down. Then Abhay Kumar attacked on my back with his datar and then Kannu attacked on my right side of head with the back side of the datar with the intention to kill me and all of them were attacked on Kumar Gaurav with the intention to kill him. Resultantly, he got some injuries on his head and his body. We got more injuries and they thought that they killed us and ran away from the spot with their respective weapons. Then I arrange the phone of some passerby and call my brother Thomas Sidhu. Then Rahul Sidhu s/o Peter r/o Sekhan Mohalla Sujanpur reached on the spot. Then he arranged the vehicle and brought at the CHC hospital Sujanpur for the treatment where they refer us to the civil Hospital Sujanpur due to serious conditions of the victims



where doctor gave us the treatment and issue the MLRs and refer to the Amritsar then my family has admitted me at Amandeep Hospital Pathankot where I am admitted and Family of the Kumar Gaurav has admitted him at the hospital which has taken the treatment at Kapoor hospital Amritsar. Above said accused has tried with the intention to kill us. I have submitted my MLR before you. Statement is correct and best of my knowledge. Legal action must be taken against the accused. Sd/ Prince Sidhu”.

3. Learned counsel for the petitioner contends that as per the case set up by the prosecution, the petitioner had caused injuries with brick to Kumar Gaurav and later on caused four injuries with a *Kirch* on the person of Prince, another injured. However, both the injured have now been discharged from the hospital and are hale and hearty. The petitioner was arrested in the present case on 03.01.2025 and is in custody for the last four months. After completion of investigation, the report under Section 173 Cr.P.C. has been presented before the competent Court of law. Further, the prosecution has not been able to place on record any material to indicate that the petitioner may evade the process of law or may influence the witnesses of the prosecution. By referring to the order Annexure P-2, learned counsel submits that Abhay Kumar, co-accused has been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.



6. The petitioner is stated to be in custody for the last more than four months and challan has already been presented against him. Moreover, similarly placed co-accused, Abhay Kumar has also been granted the concession of bail by this Court vide order dated 29.08.2024 (Annexure P-2). Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

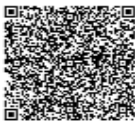
(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.



(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

23.05.2025
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(N.S. SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No