

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-10956-2019 (O&M)**
Date of Decision:- 14.3.2019

Amar @ Nathi	Versus	... Petitioner
State of Haryana		... Respondent

(II) **CRM-M-10211-2019 (O&M)**

Gurdev @ Gurudev	Versus	... Petitioner
State of Haryana		... Respondent

(III) **CRM-M-10546-2019 (O&M)**

Rajbir @ Raju	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Kumar Malik, Advocate, for the petitioner(s)
(in CRM-M-10956-2019 and CRM-M-10211-2019).

Mr. Kanwar Satbir Singh, Advocate, for the petitioner
(in CRM-M-10546-2019).

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of Amar @ Nathi, Gurdev @ Gurudev and Rajbir @ Raju. While petitioner Amar @ Nathi seeks grant of anticipatory bail, the other two petitioners namely Gurdev @ Gurudev and Rajbir @ Raju pray for their release on regular bail.
2. The FIR in the present case was lodged at the instance of Mahipal wherein it has been alleged that on 12.8.2018, at about 9 p.m. when he was going for his work and he reached near illegal liquor vend in front of J.R.School, then he saw that one boy was being given beatings. When the complainant inquired about the reason for beating the said boy then one of the assailants who was carrying a 'stick' whose name later came to be known as Nathi @ Amar retorted that the complainant be first taught a lesson and gave a blow with the 'stick' on the left arm of the complainant and also called out Raju, Uri and other boys who all came there and attacked the complainant and caused injuries to him on his forehead, a little above the left eye. The complainant later came to know the names of some of the remaining accused as Gurdev, Kala and Gaggu.
3. Learned counsel for petitioners Gurdev @ Gurudev and Rajbir @ Raju have submitted that in fact they had earlier been released on bail and it was subsequently after about two months when offence under

Section 307 IPC was added that they have been arrested again and that now after their re-arrest they have been behind bars since the last about 4 months. Learned counsel for Amar @ Nathi has submitted that he has falsely been implicated and that in any case has submitted that since it is a case where two of the other accused have already been granted bail and that none of the accused in any case is alleged to be armed with any sharp edged weapon, therefore, he deserves the concession of bail.

4. Learned State counsel has however opposed the petitions while submitting that since the petitioners are specifically named in the FIR, no case for grant of bail is made out.
5. Having considered rival submissions addressed before this Court and bearing in mind the fact that all the petitioners had earlier been granted bail and that Gurdev @ Gurudev and Rajbir @ Raju have now in any case after their re-arrest been behind bars since the last about 4 months, in my opinion, it is a fit case for grant of regular bail to Gurdev @ Gurudev and Rajbir @ Raju and as well as anticipatory bail to Amar @ Nathi. The petitions, as such, are accepted. Petitioners- Gurdev @ Gurudev and Rajbir @ Raju are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. Petitioner-Amar @ Nathi is directed to appear before the learned trial Court within one week from today. The trial Court shall release him on bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

Marcy 14, 2019
mohan/pankaj

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No