

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

CRM-M-13293-2019 (O&M)
Date of Decision:- 1.4.2019

Gaurav @ Udi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Kumar Malik, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in case registered vide FIR No.768, dated 15.8.2018, registered at Police Station Model Town, Panipat, District Panipat, under Sections 148, 149, 323, 325, 506 IPC.
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 the petitioner has submitted that he has falsely been implicated in the present case and in fact he had earlier been released on bail and it was subsequently after about two months when offence under Section 307 IPC was added that he was arrested again and that now after his re-arrest he has been behind bars since the last about 4 ½ months. It has further been submitted that since it is a case where five of the other accused have already been granted bail, therefore, he deserves the concession of bail.
4. Learned State counsel has however opposed the petition while submitting that since the petitioner is 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 petitioner had earlier been granted bail and that petitioner now in any case after his re-arrest has been behind bars since the last about 4 ½ months, in my opinion, it is a fit case for grant of regular bail. The petition, as such, is accepted and petitioner-Gaurav @ Udi is ordered to be released on regular bail

on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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.

April 1, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No