

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

1. CRM M-19111 of 2020 (O&M)
Date of Decision: September 24, 2020

Ankit @ AshuPetitioner
Versus
State of Haryana Respondent

2. CRM M-18793 of 2020 (O&M)

Amit @ DagarPetitioner
Versus
State of Haryana Respondent

3. CRM M-21938 of 2020 (O&M)

Pardeep KumarPetitioner
Versus
State of Haryana Respondent

4. CRM M-25551 of 2020 (O&M)

Aadesh Kumar @ GoluPetitioner
Versus
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Shiv Kumar, Advocate
for the petitioner in CRM M-19111 of 2020.

Mr. Sanjay Vashisth, Advocate
for the petitioner in CRM M-18793 of 2020.

Mr. Amandeep Sharma, Advocate
for the petitioner in CRM M-21938 of 2020.

Mr. Brij Bhushan Sharma, Advocate
for the petitioner in CRM M-25551 of 2020.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

The above four detailed first regular bail applications moved under Section 439 Cr.P.C. having been arisen out of the same FIR No. 0287 dated 03.10.2019 under Sections 148, 149, 323, 324, 341 and 506 IPC and 302 and 307 IPC Police Station Sector 17, District Faridabad for the sake of brevity are being taken up together for disposal.

The present case was got registered on the statement of a boy Dikshit Mavi injured. In his allegations, the complainant states that he happens to be a student of 11th class in a school at Faridabad alongwith cousin brothers had come to

the school where they had an exchange of heated words with one boy named Jatin Gaur. On the date of occurrence, i.e. 3rd October 2019 around 02.00 p.m. while the complainant alongwith his brothers Ankit and Ritik and his friend Sourabh Sharma, they were accosted by the opponent group who were armed with sarias, dandas including iron punch stopped the complainant side and after exhortation assaulted them with weapons. As a consequences of this assault, the complainant was hospitalized and so Sourabh Sharma and the latter thereafter succumbed to his injuries while admitted in the hospital. That is how, the present case was got registered.

Mr. Sanjay Vashisth, Mr. Brij Bhushan Sharma and Mr. Amandeep Sharma, learned counsel for Amit @ Dagar, Aadesh Kumar @ Golu and Pardeep Kumar, respectively, have vehemently argued that these petitioners are minors and have been falsely implicated on the statement of co-accused. Neither they are named in the FIR nor identified. It is claimed that the petitioners are in detention since a long time and being juveniles in conflict with law, no specific role is attributed to them and they deserve compassionate consideration of their pleas necessitating them bail. Mr. Shiv Kumar, learned counsel for the petitioner Ankit @ Ashu submits that he has not been attributed any specific role nor anything recovered from him and being not named in the FIR has been falsely implicated.

On behalf of the State Mr. Baljinder Virk, DAG,

Haryana strong opposition has been raised over the manner of the occurrence terming it to be a gang warfare and rather act of the petitioners and cohorts smacks of depravity of mind whereby over a pittance an young boy has been sacrificed at the altar of death. The counsel has highlighted the evidence that has come about against the petitioners. Learned State counsel has further submitted that petitioner Ankit @ Ashu is 24 years old and is the instigator of this crime and facilitated the same and being a major grown up boy does not deserve any concession.

Appreciating the submissions, it is after initial scuffle of these petitioners and their accomplices have with premeditation gathered duly armed with dangerous weapons and assaulted the complainant side giving multiple injuries leading to death of one of the boys. This group mentally is illustrative of the maturity and heinousness and since the two sides belong to the same institution and releasing the petitioners at this juncture might be detrimental to fair investigation and trial, the prayer for bail of the petitioners thus stands dismissed.

September 24, 2020**(FATEH DEEP SINGH)**

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No