

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

CRM-M-21509-2020 (O&M)

Date of Decision:- 13.8.2020

Ajay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Mamta Panwar, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana assisted by
ASI Dinesh.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.172, dated 20.6.2019, under Sections 148, 149, 323, 355, 365, 506 IPC and Sections 3 and 4 of SC/ST Act, Police Station Gohana Sadar.
2. The FIR was registered at the instance of Tushar wherein it has been alleged that on 16.6.2019, when he was standing at Bus Stand,

Shamdi, Ajay and Ankit came there and pointed a knife towards his stomach and touched his stomach with the said knife and made him sit on a bike and took him to a lonely place where another 3-5 persons were already present. It is alleged that Sunny started urinating on his face and when he objected to the same then Ajay and Ankit hurled abuses while stating that this is what the complainant deserves and spoke contemptuously regarding the caste of the complainant and stated that they would show the complainant his place and status. When the complainant tried to run away, the said persons started giving beatings to him mercilessly and threatened to kill him. It is alleged that the said persons were armed with 'sticks' and 'wooden handles of spades'. Sunny is also stated to have made video-recording of the occurrence and later when the complainant fell down unconscious on account of merciless beatings, the accused left thinking that the complainant had expired. Subsequently, the complainant was found by one boy Neera, who took him home. Later, the complainant was taken to hospital where he remained under treatment. Subsequently, the complainant went to the police station but on account of the influence of fathers of two of the accused namely Ankit and Sunny, the police did not take any action immediately and got a compromise effected. However, when the complainant came out of the police station, the accused Sunny took out a pistol and again threatened him and while speaking contemptuously about the caste of the complainant. It is also alleged

that later the video recording of the beatings given to the complainant was also made viral.

3. Learned counsel for the petitioner has submitted that the petitioner who is aged about 19 years has been falsely implicated in the present case and that he has clean antecedents and is not involved in any other case. It has further been submitted that in any case the petitioner as of now has been behind bars since the last more than one year and as such he deserves the concession of bail especially since another co-accused namely Deepak Kumar has already been granted bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner happens to be one of the main accused who had abducted the complainant with the help of 'knife', no case for grant of bail is made out. Learned State counsel, upon instructions from ASI Dinesh has however, informed that the petitioner is not involved in any other case and has been behind bars since 23.6.2019. It has further been informed that as on date only 2 out of the cited 18 PWs have been examined.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner is aged 19 years and is not involved in any other case and that he has already suffered incarceration for about one year and the trial in its normal course is not likely to be immediately concluded and only 2 out of the cited 18 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted

and the petitioner 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.

August 13, 2020

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No