

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

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**CRM-M-34317-2020(O&M)  
Date of decision :02.11.2020**

**GAURAV @ GOK**

**.....Petitioner**

**versus**

**STATE OF HARYANA**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Minkal Rawal, Advocate  
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

**ANIL KSHETARPAL, J. (ORAL)**

Hearing of the case was held through video conference on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a Criminal case arising from FIR No.482, dated 09.08.2020, registered under Section 323/506/34 IPC(Section 325 IPC and Section 3 of Scheduled Caste and Scheduled Tribes(Prevention of Atrocities) Act, 1989 added later on), at Police Station Samalkha, District Panipat.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Panipat, in paragraph 2 of its order dated 09.10.2020, which is extracted as under:-

*“Present case was got registered by Aakash son of Pappu who has alleged that he is residing, along-with his family, in village Hathwala. On 05.08.2020, at about 10:00 AM, he along-with his friend Ravi Madaan and Rajesh Madaan has gone to tube-well for taking bath. At about 10:00 AM and some minutes Gaurav Tyagi @ Gok, Abhishek Tyagi and Nishant Saini came on the motorcycle. At that time, Ravi Madaan and Rajesh*

*Madaan were taking bath on the tube-well. He was hearing songs on the phone after taking bath. Finding him alone Gaurav, Abhishek and Nishant, who were carrying pistol, gandasi and iron rod came to him and while giving warning stating that if he tries to flee away, they will fire at him. Due to fear, he did not run away. They kept on attacking him with iron rod and axe. On every attack, they uttered Chuda, Bhangi, Jallad, Bhangad, Kamin and also hurled the abuses in the name of mother and sister. They also tried to make him drink urine. On hearing the noise, Ravi Madaan and Rajesh Madaan rushed towards him and then they (accused) fled away from the scene. Accordingly, formal case under Sections 323, 506 read with Section 34 IPC was registered. During further investigation, Section 325 IPC and Section 3 of SC ST Act was added. Accused Nishant @ Bholi son of Ramdhan Saini and Gaurav Tyagi @ Gok son of Rakesh who were resident of village Hathwala were arrested. Child Abhishek @ Kala son of Anil was also detained in this case.”*

Learned counsel for the petitioner contends that on completion of the investigation, the challan has been presented in the court on 29.10.2020, however, the charges are yet to be framed. He further submits that the petitioner is a young boy of 21 years and is in detention since 10.08.2020.

On the other hand, Sh. Chetan Sharma, Assistant Advocate General, Haryana, has opposed the application, contending that the victim suffered leg fracture and the alleged iron pipe has been recovered from the disclosure statement of the petitioner.

This court has considered the submissions and perused the paper book.

Sh. Chetan Sharma, Assistant Advocate General, Haryana, on instructions from HC Dinesh has admitted that the petitioner is not a person with criminal antecedents. As rightly contended by learned counsel for the petitioner, the petitioner is a young boy. He is in custody for approximately

83 days.

The conclusion of the trial is likely to take time as the charges are yet to be framed.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 10.08.2020 and the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

**November 02, 2020**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

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