

**(Proceedings conducted through video conferencing on
account of Covid-19 Pandemic)**

CRM-15734-2020 in/and
CRM-M-52958-2019 (O&M)
Date of Decision: 20.07.2020

ASHISH KUMAR @ ASHU

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sanchit Punia, Advocate, for the applicant-petitioner.

Mr. Nikhil Chopra, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

CRM-15734-2020

For the reasons stated in the application, prayer for preponment of date of hearing in the main case is allowed and the same is taken up on Board today itself.

CRM-M-52958-2019

Ashish Kumar @ Ashu, the petitioner has prayed for grant of regular bail in case FIR No. 166 dated 05.09.2019 registered under Sections 148, 149, 323, 452, 506, 354-B, 379-B IPC and 427 IPC and Sections 25/54/59 of Arms Act at Police Station Bilaspur, District Yamuna Nagar.

Briefly, the FIR has been registered on the basis of statement of Gulab Singh alleging that on 4.9.2019 at about 7.30 p.m., he along with his wife Mamta, mother Mukhtiari Devi and son Chahat were present in the house. Meanwhile, 5-6 motorcycles carrying 2/3 boys on each motorcycle along with a car wherein 5 persons were sitting arrived at the spot. The boys

sitting in the car, namely, Ashu, Sunil and Sachin Sharma were known to the complainant. The assailants were carrying iron rods, sticks, *gandasi* and were raising *lalkara*. They broke down the door of the house. Ashu inflicted three iron rod blows on the head of the complainant. Sunil gave two iron rod blows and Sachin Sharma gave *gandasi* blow from reverse side on the head of the complainant. 15-20 unidentified boys on motorcycles also gave stick blows on the legs and arms of the complainant. Mamta and Mukhtiari Devi tried to intervene and the assailants also gave beatings to them. Chahat raised an alarm and *danda* blows were inflicted upon him. The assailants tore the clothes of Mamta and stole away the licensed revolver and other articles lying in the almirah. On hearing the alarm, people were attracted at the spot and the assailants slipped away.

It has been stated by learned counsel for the petitioner that his arrest was effected on 10.09.2019, investigation of the case is complete and challan has already been presented in the Court. Moreover the petitioner alongwith two other persons, namely, Sunil and Sachin, were named in the FIR but Sunil and Sachin have been found to be innocent during the course of investigation. Besides, the co-accused, namely Vikas, Vikas @ Golu and Sahil have been granted regular bail, whereas, co-accused Sunil Kumar has been granted pre arrest bail by this Court.

It has further been argued that X-ray examination has been conducted but no fracture was found on the person of the injured.

Learned State counsel has not disputed the aforesaid factual aspects of the matter but has argued that the case of the petitioner cannot be termed to be at par with the co-accused, who have been granted bail, as the petitioner has been specifically named in the FIR, a revolver has been

recovered from him and furthermore, another case bearing FIR No.52 of 2018 under Sections 148/149/323/452 and 506 IPC has been registered at Police Station Bilaspur, District Yamuna Nagar, though on bail in that case.

It may be mentioned here that the co-accused have already been granted bail. The petitioner is in custody for the last more than 10 months. The conclusion of trial is likely to take sometime and as such, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

20.07.2020
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(VIVEK PURI)
JUDGE

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