

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

CRM-M-36284-2020 (O&M)

(1) Bunty Kashyap ... Petitioner

Versus

State of Haryana ... Respondent

(2) **CRM-M-43905-2020 (O&M)**

Aakash @ Ashu ... Petitioner

Versus

State of Haryana ... Respondent

(3) CRM-M-23003-2021 (O&M)

Saurabh ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:- 21.9.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gagandeep Singh, Advocate for the petitioner
in CRM-M-36284-2020.

Mr. Jasdeep Singh, Advocate for the petitioner
in CRM-M-43905-2020.

Mr. Anirudh Kush, Advocate for the petitioner
in CRM-M-23003-2021.

Mr. Praveen Bhadu, AAG, Haryana
assisted by SI Jitender Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Bunt Kashyap, Aakash @ Ashu and Saurabh seeking grant of

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integrity of this document

regular bail in a case registered vide FIR No.177 dated 3.3.2020 under Sections 148, 149, 302, 323/120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Mahesh Nagar, District Ambala.

2. The FIR was registered on the basis of statement of Sonu Kumar wherein it is alleged that he is working as a private driver and that Bunty @ Vikas is his friend who had a fight with Arjun @ Katora about two months back wherein he (complainant) had mediated a compromise amongst them. However, Arjun @ Katora nursed a grudge against Bunty. It is alleged that on 2.3.2020, he received a phone call from Bunty who told him that Arjun @ Katora and his friends are fighting with him near Ekta Vihar Chowk. Upon receipt of said information, the complainant reached at the said place where he saw that Bunty was caught by Saurabh, Suraj, Aashu and Lalit and they were giving beatings to him. Arjun @ Katora and 3-4 other boys were giving kick blows to Bunty. It is alleged that Arjun @ Katora stabbed Bunty on the left side of his chest with a knife, as a result of which Bunty fell down. When the complainant raised alarm Arjun @ Katora and other assailants fled away from the spot. Although, Bunty was taken to hospital but he succumbed to his injuries.
3. The learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case and that in any case even if the allegations, as levelled in the FIR are taken to be correct, still it is a co-accused Arjun @ Katora who is attributed the fatal blows with a knife to the deceased and that the petitioners are not even alleged to be armed with any weapon. It has further been submitted on behalf of petitioner Bunty Kashyap that he is not even named in the FIR.

4. Opposing the petitions, the learned State counsel has submitted that while two of the petitioners namely Saurabh and Aakash @ Ashu are specifically named in the FIR, the petitioner Bunty Kashyap came to be nominated as an accused pursuant to a disclosure statement made by Arjun @ Katora on 5.3.2020. The learned State counsel has further informed that the petitioners as on date have been behind bars since the last about 1½ years and that they are not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that none of the petitioners, as per FIR was armed with any weapon and it is only the co-accused Arjun @ Katora who is stated to have been armed with a knife and inflicted a blow with the same to the deceased resulting in his death. The role attributed to the petitioners Aakash and Saurabh is that they had held the deceased and had given beatings to him. The role attributed to Bunty Kashyap is that he along with others had given kick blows to the deceased when he had fallen down. All the three petitioners have been behind bars since the last about 1½ years and are not even stated to be involved in any other case. None of the petitioners is attributed any fatal injury, though it may be said that they had facilitated commission of offence. In any case, since none of the petitioners is the main accused and the fatal injuries are attributed to non-applicant Arjun, who was armed with a knife, the petitions are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to

the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.9.2021

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No