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

**CRM-M No.41111 of 2020(O&M)
Date of Decision: 15.01.2021**

**Gaurav Dadra and another Petitioners
Vs
State of Punjab Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Amar Ashok Pathak, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.190 dated 04.07.2020 registered under Sections 307, 326, 341, 379-B, 148, 149, 120-B, 188 IPC, Section 3 of Epidemic Diseases Act and Section 51(b) of the Disaster Management Act at Police Station Division No.7, Jalandhar.

The FIR was registered on the complaint of Om Parkash son of Dev Raj, who alleged that on 03.07.2020, he was walking from Kuki Dhab to Khurla Kingra and his younger brother Sanjeev Kumar along with his two friends Rashpal Singh

and Vicky were also walking at a little distance ahead of the complainant. At about 10:15/10:30 P.M., an auto came from the front side at some distance, from them. 5-6 persons came out and ran towards the brother of the complainant and his friends. Sabi was holding a kirpan and Gaurav Dadra @ Gori was armed with datar. Sunil Kumar @ Babu was armed with iron rod. Vishal Dadra @ Vicky was armed with base ball. Sunil Kumar @Khamba was armed with wooden stick and Prince Suman was armed with baseball. Sabi raised a lalkara that brother of the complainant be not spared. Thereafter, he gave a sword blow towards head of brother of the complainant and the blow was warded off by brother of the complainant by raising his left arm. The blow ultimately landed on his left wrist resulting in cutting of the wrist of the brother of the complainant and the same got hanged with the arm. The friends of brother of the complainant were also beaten by the assailant party. Sabi pulled out wallet of brother of the complainant. On raising alarm, the assailant ran away from the spot.

Learned counsel for the petitioners submitted that the petitioners have not been attributed any role except to allege that they were members of the unlawful assembly. Co-accused namely Sunil Kumar @ Babbu and Sunil Kumar @ Khamba have already been released on regular bail vide order dated

19.11.2020 passed in CRM-M No.37357 of 2020. Co-accused Prince Suman has been granted anticipatory bail vide order dated 08.09.2020 passed in CRM-M No.23330 of 2020.

Learned State counsel however opposed the bail on the ground that the petitioners were also the members of unlawful assembly and they do not deserve concession of regular bail. The factual details of the case could not be disputed.

Keeping in view the aforesaid facts and circumstance of the case, the situation arising out of pandemic COVID-19 and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, petition is allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

15.01.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No