

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-14707-2023

Date of Decision: 12.04.2023

Gaurav Athwal @ Baghi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Ankur Bansal, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 11.04.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 37 dated 30.03.2021, registered under Sections 153-A, 386 and 504 IPC (Section 153-A IPC was dropped and Section 66 of the Information and Technology Act, 2000 was added later on) at Police Station Division 2, District Jalandhar.

Brief facts of the prosecution case are that the present case was registered on the basis of a secret information received by ASI Jaswinder Singh, CIA Staff, Jalandhar to the effect that one Gurpreet Singh @ Karanpreet Singh @ Fateh, along with his companions, namely, Aman, Teenu, Baghi (petitioner herein), Happy and others have formed a

social media channel on You-tube under the name and style “*Fateh Group Jalandhar*”. They used to give beatings to innocent persons with deadly weapons and insult them publically in order to extort money from them. They also prepare their videos and used to upload the said videos on their aforesaid You-tube channel. Further, the news items published in the newspapers while they were giving beatings to the innocent people by uploading the same on the you-tube channel while playing songs and in those videos Gurpreet Singh @ Karanpreet Singh @ Fateh used to show himself as gangster and there is fear of Gurpreet Singh @ Karanpreet Singh @ Fateh in the minds of innocent persons. No one is trying lodge any complaint against them. Finding the aforesaid secret information to be trustworthy, ruqa was sent to the police station for registration of FIR.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. He has not committed any offence. Nothing has to be recovered from him. No overt act has been attributed to the petitioner. Even, proceedings under Section 153-A IPC have already been dropped by the police. There are only general and vague allegations against the petitioner. Petitioner is in custody since the date of his arrest. The offences are triable by a Magistrate. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner, namely; Gurpreet Singh @ Karanpreet Singh @ Fateh, Amandeep and Happy, have already been granted the concession of regular bail by this Court vide separate orders of even date i.e. 21.03.2023, passed in CRM-M Nos. 41249, 41287 and 60473-2022,

respectively. Thus, it is prayed that treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner and submits that the petitioner along with his co-accused used to upload videos of innocent people and used to extort money from them. Accordingly, he prayed for dismissal of the present petition.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that proceedings under Section 153-A IPC have already been dropped by the police and treating the case of petitioner on the same parity as that of his co-accused, namely; Gurpreet Singh @ Karanpreet Singh @ Fateh, Amandeep and Happy who are already enlarged on bail by this Court, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Gaurav Athwal @ Baghi, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

12.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**