



CRM-M-13596-2025

-1-

236

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

CRM-M-13596-2025

Date of decision : 19.03.2025

Gaurav

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. K.S. Dhaliwal, Advocate and
Mr. Vicky Sharma, Advocate, for the petitioner.
Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J.

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.380, dated 28.07.2024 (Annexure P-1), under Sections 305, 317(4), 111(2)(b), 111(3), 111(4), 310(4), 310(5), 312 of Bharatiya Nyaya Sanhita (BNS) and Sections 25-54-59 of Arms Act, 1959 (to which 111(3) and 111(4) were deleted later on), registered at Police Station Kherki Daula, District Gurugram.

2. As per the facts of the case, on 28.07.2024, the police received a secret information to the effect that Manish, Saurabh and Sunny residents of Uttar Pradesh, Abhishek and Nitin resident of Mahendergarh and Gaurav (petitioner) resident of Kaithal were planning a big dacoity by sitting in an isolated Kothra situated on Tauru road in Bar Gujjar area. They were armed with illegal weapons like *dandas and saria* and stolen motorcycle. It was informed that these persons were committing incidents of thefts of vehicles and looting in Gurugram since long time. In case of raid, they could be arrested red handed. Finding the information reliable, the FIR was registered and the raid was conducted at the disclosed place. The accused as mentioned in the information were arrested by the police on the raid conducted. The



CRM-M-13596-2025

-2-

FIR was registered and the investigation commenced. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of bail. However on hearing both the sides, the learned Additional Sessions Judge, Gurugram finding no merit, dismissed the petition filed by the petitioner vide order dated 20.09.2024. Thereafter, the petitioner approached this Court by way of filing CRM-M-52230-2024, however, the same was dismissed on merits vide order dated 25.10.2024. Hence the petitioner has again approached this Court praying for the grant of regular bail by way of filing the present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Abhishek @ Goli. He has drawn the attention of this Court to the order dated 05.03.2025 passed in **CRM-M-11189-2025**, whereby, co-accused Abhishek @ Goli has been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 28.07.2024 and hence, he has completed incarceration of about 07 months. He submits that the petitioner has no criminal antecedents. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Learned counsel for the State has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Abhishek @ Goli. He has submitted that out of total 21 prosecution witnesses, 03 witnesses

have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 28.07.2024. Co-accused, namely, Abhishek @ Goli is on bail and the case of the petitioner as stated is at par with him. Out of total 21 prosecution witnesses, 03 witnesses have been examined. As per custody certificate, the petitioner has completed incarceration of 07 months and 18 days as on 18.03.2025. It further reflects that the petitioner has no criminal antecedents.

6. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.03.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(RAJESH BHARDWAJ)

JUDGE