

**Sr. No. 226
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-41093 of 2015 (O&M)

Date of Decision: 04.03.2016

Yogesh @ Dhillu

...Petitioner

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sanjay Vashisth, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.283 dated 07.10.2014, under Sections 148, 149, 323, 324, 302, 120-B of Indian Penal Code, (now challaned under Sections 148, 149, 323, 324, 325, 326, 302, and 303 of IPC), registered at Police Station Bhondsi Gurgaon, District Gurgaon.

Allegations as per FIR are that the complainant had come to know that certain other accused than the petitioner had been given a contract for killing the deceased and on the fateful day the co-accused had entered into Phase-I of the jail and killed the deceased.

Name of the petitioner does not figure in the FIR. Petitioner has been implicated on the basis of a disclosure statement suffered by Mainpal who was specifically named in the FIR.

It has gone uncontroverted that Mainpal as also another co-accused, namely, Anil has been granted benefit of bail by this

Court in the light of order dated 21.09.2015 in CRM No. M-22516 of 2015 at Annexure P-6.

During the course of arguments, State counsel has submitted that there was a CCTV footage of the occurrence. However, it has been conceded that the actual occurrence and causing of injuries to the deceased as also complainant has not been captured in the CCTV footage and which would at best only show the presence of the petitioner as also co-accused in the jail premises as also the concerned barrack.

On the ground of parity itself, the present petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Gurgaon.

Disposed of.

04.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**