

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-937-2019 (O&M)
Date of Decision:-19.3.2019

Yogesh Kumar @ Yogi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.320 dated 1.10.2017 at Police Station City Barnala under Sections 399, 402 and 412 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959.

The instant case was registered against the accused and others, on the basis of the report of Dharmapal, ASI made to the SHO, PS City Barnala. He stated that on 1.10.2017 at 4:10 P.M. when he alongwith police party was on patrol duty, he received secret information that Suresh Kumar @ Gandhi @ Ashu son of Vijay Kumar resident of Sardar Handloom Vali Gali, Near Bus stand, Barnala, Jagjit Singh @ Jaggi son of Gurcharan Singh resident of Sandhu Patti Barnala, Manga Singh son of Billu Singh resident of Sandhu Patti, Barnala, Gursewak Singh @ Amb son of Kaka Singh resident of Awa Basti, Barnala, Yogesh Kumar @ Yogi son of Ashok Kumar

@ Bittu Gaimda resident of Street No.4 Sekha Road, Barnala and some other persons have formed a gang which is involved in cases of snatching and robbery. The secret information further was that the said persons had gathered in the bushes near the railway line on one side of Trident Factory. They were armed with the dangerous weapons. They were planning in major dacoity. The secret informer further informed that if a raid was conducted, they could be apprehended at the spot.

Accordingly, the police party conducted raid. Accused Yogesh Kumar @ Yogi (petitioner) was arrested from the spot alongwith other co-accused. From his possession a spring actuated knife was recovered. Later, while in custody, petitioner Yogesh Kumar @ Yogi suffered a disclosure statement in pursuance of which he got recovered one mobile phone of Samsung make which he had allegedly snatched from someone. He also admitted his involvement in various acts of snatching.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and has been in custody since 4.10.2017 and there is no progress in the proceedings of the trial and, as such, the petitioner deserves the concession of bail.

Opposing the petition, the learned State counsel has informed that the petitioner is involved in several other identical cases and, as such, he does not deserve to be released on bail in view of his antecedents. It has further been informed that charges have been framed and out of 19 cited prosecution witnesses, only four have been examined so far.

Having considered rival submissions addressed before this Court and bearing in mind the snail's pace with which the trial Court is

proceeding, which would suggest that the trial in its normal course is likely to consume some time for its conclusion, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Yogesh Kumar @ Yogi is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of order granting bail to petitioner.

The present petition stands accepted accordingly.

19.3.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No