

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

214

CRM-M-17042-2019 (O & M)
Date of Decision:13.05.2019

Yogesh @ Yogi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.463 dated 18.09.2018, under Sections 307, 34 IPC and Sections 25, 54 and 59 of Arms Act registered at Police Station Civil Lines, Gurgaon, District Gurugram.

The prosecution case is that on 18.09.2018, a secret information was received to the effect that four-five persons are driving Xcent car without number plate in the city of Gurugram and on the pretext of giving lift to passengers, they subject them to beating and snatch their belongings forcibly. The said persons are also in possession of illegal weapons. Upon which the police officials reached near 32 Milestone Hotel where one Xcent

car without number plate was lying parked. It was observed that one person came out of the car and asked the passengers for lift. When the police vehicle stopped in front of the car, the persons sitting in the said car tried to fled away from the spot. One of the said person also opened fire on SI Raj Kumar but no harm was done. The person who fired at the police officials disclosed his name as Yogesh @ Yogi (petitioner) and from him one pistol and two live cartridges were recovered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case. He further contends that no injury has been caused as a result of the alleged gun shot fired by the petitioner. It is pointed out that the police party had apprehended the petitioner and other co-accused from the spot. He further contends that co-accused namely Arjun Saini has been granted the concession of regular bail. Petitioner is in custody since his arrest on 18.09.2018.

On the other hand, learned State counsel assisted by SI Rajesh Kumar has opposed the bail application on the ground that the petitioner had fired upon the police officials and there is recovery of one country made pistol and two live cartridges. However, it is not disputed that no injury has caused any of the police official from the alleged gun shot fired by the petitioner. He further states that no prosecution witness has been examined out of 15 prosecution witnesses.

Considering the case set up by the prosecution, and the fact that the trial is likely to consume some more time to conclude, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the

petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No