

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

**(I)** **CRM-M-17436-2020 (O&M)**  
Date of Decision:- 7.8.2020

|                      |        |                |
|----------------------|--------|----------------|
| Yogesh Kumar @ Bagri | Versus | ... Petitioner |
| State of Haryana     |        | ... Respondent |

**(II)** **CRM-M-19618-2020 (O&M)**

|                  |        |                |
|------------------|--------|----------------|
| Sudhir Sharma    | Versus | ... Petitioner |
| State of Haryana |        | ... Respondent |

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. P.R.Yadav, Advocate, for the petitioner in  
CRM-M-17436-2020.

Mr. Sarfraj Hussain, Advocate, for the petitioner in  
CRM-M-19618-2020.

Ms. Aditi Girdhar, AAG, Haryana.

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**GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose of the above mentioned two petitions wherein petitioner Yogesh Kumar @ Bagri and Sudhir Sharma, have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No. 531, dated 28.9.2018, Police Station Sector 9-A, Gurugram, under Sections 120-B, 148, 149, 201, 302, 364 IPC.

2. The FIR was lodged at the instance of Billu Ram wherein it has been alleged that on 28.9.2018 his son Rohit left home at about 10.30 am for some work. Later he received a call from his father that Rohit has not returned back and upon receipt of said information he went to Gali No.9, Devi Lal colony where he came to know that his son had been abducted by 14-15 boys. It is further stated therein that out of the said abductors he knows the name of 3 persons as Doni, Ankit and Bholu and does not know the names of the remaining persons. It is further the case of prosecution that on the same day itself the complainant's son was found in village Gadoli who was found to be sustaining injuries. Although the complainant's son was taken to hospital but he succumbed to injuries.
3. Learned counsel for the petitioners have submitted that they have falsely been involved in the present case and that none of them is named in the FIR and both of them have been nominated as accused on the basis of disclosure statement allegedly made by co-accused Doni.
4. Opposing the petition, learned State counsel has submitted that apart from the disclosure statement of co-accused there is "last seen" evidence in the shape of statements of witnesses recorded under Section 161 Cr.P.C. and in these circumstances the petitioners do not deserve the concession of bail. Learned State counsel, upon instructions from SI Vijender has however, informed that while the petitioner Yogesh Kumar @ Bagri has been behind bars since

21.11.2018, petitioner Sudhir Sharma has been behind bars since 29.9.2018 and that none of them is involved in any other case.

6. I have considered rival submissions addressed before this Court. Having regard to the fact that none of the petitioners is named in the FIR and they are sought to be nominated on the basis of disclosure statement made by co-accused Doni, the admissibility and veracity of which is yet to be established and while also noticing that they have undergone a substantial period of custody and that several of their co-accused namely Rohit @ Bholu, Akash, Tarun Raghav, Manish alias Maniya, Shahrukh Khan, Himanshu and Tarun Raghav have already been granted bail, the petitioners also deserve the same concession on the ground of parity. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**August 7, 2020**

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**( GURVINDER SINGH GILL )  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No