

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

**(I) CRM-M-51777-2021 (O&M)**

Date of Decision:- 25.3.2022

Yogesh ... Petitioner  
Versus

State of Haryana ... Respondent

**(II) CRM-M-5387-2022 (O&M)**

Rohit Kumar ... Petitioner

Versus

State of Haryana ... Respondent

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

Present:- Ms. Mehak Sawhney, Advocate, for the petitioner(s).

Mr. Rajiv Sidhu, DAG, Haryana,  
assisted by SI Ram Richpal.

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

1. This order shall dispose of the above mentioned two petitions wherein petitioners Yogesh and Rohit Kumar, seek grant of regular bail in a case registered vide FIR No. 200 dated 25.09.2020 at Police Station DLF Phase-I, District Gurugram, under Sections 147/148/149/307/384 IPC and Sections 25(1B)(a) & 27(B) Arms Act.
2. The FIR was lodged at the instance of Harinder s/o Des Raj, wherein it is alleged that his brother Manoj Kumar is plying a vehicle in Bandhwari Garbage Plant, for the purpose of shifting the garbage. On

25.9.2020, at about 8 am, they came to know that Manoj S/o Ghasi (from the opposite side) along with his brother and other accomplices had stopped their vehicle. Upon coming to know about the same, the complainant Harinder along with his brother Manoj went to Bandhwari Garbage Plant, where they saw the accused Manoj, Lalit, Rohit, Yogesh, Veerpal, Avtar @ Monu, Bablu (Ashish) and another relative of Manoj s/o Ghasi and who all were carrying sticks and illegal weapons. When the complainant confronted them as to why they had stopped their vehicle, they retorted that it is only the vehicle belonging to the accused which will run in the garbage plant and that in case the complainant wishes to ply his vehicle there, he would have to pay on weekly basis to them. When the complainant said that they were plying the vehicle as per law, Yogesh and Rohit gave slaps to the complainant and to his brother. Upon the complainant and his brother offering resistance, Lalit and Veerpal inflicted blows with stick. Thereafter Manoj s/o Ghasi (accused) and Avtar @ Monu exhorted their companions that pistols be used. Upon which Manoj s/o Ghasi, Lalit, Rohit, Yogesh and Veerpal inflicted injuries with their respective weapons. About 10-12 shots were fired at them. The firearm shots which had been fired by Yogesh and Rohit hit the complainant and his brother while the other shots did not hit them. The complainant and his brother upon receipt of gunshot injuries fell on ground and the assailants thereafter fled away from the spot presuming them to be dead.

3. Learned counsel for the petitioners has submitted that it is a case of cross-versions and that another FIR i.e. FIR No. 202, dated 26.9.2020, Police Station DLF Phase-1, Gurugram, under Sections 147, 148, 149, 307 IPC and Sections 25(1-B)(a) and 27-B of the Arms Act, has been lodged in respect of the same occurrence against the opposite side, wherein also 8 persons had been arrayed as accused and the said members of the opposite party were also armed with weapons and had fired at the party of the accused. It has further been submitted that in view of the almost identical allegations levelled by both the parties in the cross-cases and the fact that several members of the opposite party have already been granted bail in the cross-case and also in view of the fact that petitioner-Yogesh has been behind bars since the last about 1 year and 5 months while petitioner-Rohit Kumar has been behind bars since the last about 1 year and 10 months, the petitioners deserves the concession of bail. It has further been submitted that the role of the petitioners is identical to the role of co-accused Lalit, who has already been ordered to be released on bail by this Court vide order dated 30.11.2021.
4. On the other hand, learned State counsel has submitted that since the petitioners are specifically named in FIR and are alleged to have fired from countrymade arms and infact petitioner-Yogesh is even visible in CCTV footage, no case for grant of bail is made out. Learned State counsel has further submitted that the petitioner-Yogesh is involved in 3 other cases and petitioner-Rohit Kumar stands involved in 1 more case and as such the petitioners do not deserve the

concession of bail. It has however been informed that petitioner-Yogesh has been behind bars since the last about 1 year and 5 months while petitioner-Rohit Kumar has been behind bars since the last about 1 year and 10 months. It has been informed that while challan has been presented, but charges are yet to be framed and that as many as 41 PWs have been cited.

- 5. I have considered rival submissions addressed before this Court.
- 6. Having regard to the fact that it is a case of cross-versions wherein some of the members of both the parties are alleged to have been armed with fire-arms and are also alleged to have fired, it will certainly be debatable as to which of the party was the aggressor. In any case, the petitioners have been behind bars for a substantial period of more than 1 ½ years. In these circumstances, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- 7. A photocopy of this order be placed on the file of each connected case.

25.3.2022  
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( GURVINDER SINGH GILL)  
JUDGE

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |