

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

209

**CRM-M-2166-2023
Date of decision: 19.01.2023**

Yogesh @ Bhanu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Balwinder Singh Chahal, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Ms. Kiran Bala Jain, Advocate and
Mr. Pushp Gupta, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.266 dated 17.12.2021 lodged under Sections 148, 149, 341, 307, 395, 397, 427 and 120B of the IPC registered at Police Station Sadar Ambala, District Ambala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand which is evident from the fact that subsequent to the registration of the FIR in question a compromise had been effected between the parties. He further submits that a perusal of the FIR in question reveals that he has neither been named in the FIR nor any injury attributed to him and rather the FIR has been registered against unknown assailants. A prayer has, therefore, been made to extend the concession of bail to the

petitioner who has now been in custody for closed to one year having been arrested on 03.02.2022.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He submits that the petitioner is a history-sheeter which is evident from the fact that he is involved in the following cases:-

(i) FIR No.152 dated 26.07.2014 under Sections 148, 149, 323, 307 and 506 of the IPC registered at Police Station Mullana, District Ambala.

(ii) FIR No.228 dated 24.10.2014 under Sections 148, 149, 323 and 506 of the IPC registered at Police Station Mullana, District Ambala.

(iii) FIR No.109 dated 29.09.2015 under Sections 395 and 397 of the IPC registered at Police Station Jathalana, District Yamunanagar.

(iv) FIR No.78 dated 09.03.2016 under Section 42 registered at Police Station Baldev Nagar, District Ambala.

(v) FIR No.45 dated 03.03.2017 under sections 323, 325 and 34 of the IPC registered at Police Station Mullana, District Ambala.

(vi) FIR No.16 dated 22.02.2014 under Sections 148, 149, 323, 364, 364-A and 427 of the IPC registered at Police Station Sehzaadpur, District Ambala.

(vii) FIR No.74 dated 01.02.2022 under Sections 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Baldev Nagar, District Ambala.

(viii) FIR No.378 dated 21.12.2015 under Section 379 of the IPC registered at Police Station Ladwa, District Kurukshetra.

(ix) FIR No.42 dated 25.04.2018 under Section 174A of the IPC registered at Police Station Jathlana, District Yamunanagar.

(x) FIR No.05 dated 05.01.2022 under Sections 323, 427 and 506 of the IPC.

(xi) FIR No.10 dated 13.01.2022 under the Arms Act.

Learned State counsel submits that no doubt in a couple of cases the petitioner has been acquitted, however, it is on account of the prosecution witnesses having turned hostile. Learned State counsel submits that it is evident that in view of the criminal antecedents of the petitioner there could be a likelihood that he may have pressurised the complainant to effect the compromise in the case in hand as well.

Learned counsel appearing for the complainant has conceded that a compromise has been effected between the parties though it is not for any extraneous reasons.

I have heard learned counsel for the parties and perused the material placed on record.

This Court would not like to comment on the compromise arrived at between the parties. The charges have yet not been framed. Prima facie there are serious allegations levelled against all the accused including the petitioner of having attacked the complainant with iron rods and inflicted injuries on his person besides an amount of Rs.1,25,000/- was also looted from the complainant. This Court in the wake of the criminal antecedents of the petitioner and the stage of trial does not deem it fit to extend the concession of bail to him.

In view of the facts and circumstances as enumerated

hereinabove, the instant petition is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No