

CRM-M-2689-2023

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

**CRM-M-2689-2023 (O & M)
Date of decision: 29.08.2023**

YOGESH ALIAS BHANU RANA

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Saini, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-35817-2023

1. Allowed as prayed for. Annexures P-5 to P-16 are taken on record, subject to all just exceptions.

CRM-M-2689-2023

2. Through this petition, the petitioner seeks regular bail in case FIR No.191 dated 07.07.2021, registered at Police Station Bilaspur, District Yamuna Nagar, under Sections 307, 332, 353, 427 and 34 IPC and Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020).

3. As per the case of prosecution, the petitioner alongwith the co-accused while travelling in three cars had obstructed police officials in discharging of their duties; that on seeing the police party, the accused had tried to accelerate their vehicles by brandishing *batons*; that the accused had collided their vehicles with the police vehicle with an intention to kill the police officials, following which the police vehicle fell into ditches, and

CRM-M-2689-2023

that the police officials managed to save themselves, but they had sustained injuries.

4. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that as per the prosecution version, the petitioner was driving Ciaz Car bearing registration No.HR-54-C-0386, owned by co-accused, namely, Rohit Kumar; that the petitioner has been in custody since 17.11.2022, and that out of 21 prosecution witnesses, none has been examined so far. It is further submitted that co-accused, Baljinder Singh, who was specifically named in the FIR, and co-accused, namely, Rohit Kumar have since been granted the concession of bail, vide orders dated 04.04.2022 (Annexure P-14 and P-13), respectively, passed by a Coordinate Bench. So far as 09 other cases registered or pending against the petitioner, are concerned, he has been convicted in 01 case whereas he has been acquitted in 06 cases and is facing trial in remaining 02 cases.

5. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner and the co-accused while travelling in three different cars had raised a *lalkara* to kill the police officials and for this purpose, they had collided their vehicle with the police vehicle; that due to said impact, the police vehicle fell into ditches and that the officials had received injuries. It is further submitted that the petitioner, who is a habitual offender, was arrested in the present case at a later stage and that material prosecution witnesses are yet to be examined.

6. I have heard learned counsel for the parties.

7. The petitioner has been in custody since 17.11.2022. Out of

CRM-M-2689-2023

21 prosecution witnesses, none has been examined so far. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

8. As stated above, co-accused, Baljinder Singh, who was specifically named in the FIR, and co-accused, namely, Rohit Kumar have since been granted the concession of bail, vide orders dated 04.04.2022 (Annexure P-14 and P-13), respectively. So far as 09 other cases registered or pending against the petitioner, are concerned, he has been convicted in 01 case whereas he has been acquitted in 06 cases and is facing trial in remaining 02 cases.

9. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.08.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No