

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

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**CRM-M-16943-2022 (O&M)
Date of Decision: 25.01.2023**

YOG RAJ ALIAS PINKI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. RS Budhwar, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.216 dated 02.07.2019, registered at Police Station Naraingarh, District Ambala, under Sections 120-B, 148, 149, 302, 303, 323, 452 and 506 IPC and Section 25 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been indicted on the basis of the disclosure statements of co-accused, namely, Shubham; that the allegation against the petitioner is that he was standing on the gate of the house of the deceased, when the co-accused have fired gun shot upon him and that the petitioner has been in custody since 10.03.2020. He further submits that now an application under Section 319 Cr.P.C. has been allowed and nine more persons have been summoned as additional accused; that prosecution evidence is yet to commence and that co-accused, namely, Bindu @ Jagpal Singh and Mamta, have already been granted the concession of bail. Still further, it is submitted that as far as

the other cases registered and/or pending against the petitioner are concerned, the petitioner has either been acquitted or released on bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, Verna car, which was used in the crime, was recovered from him. He further submits that the petitioner is a habitual offender and involved in 12 more cases. Thus, he does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.03.2020. Co-accused have already been enlarged on bail. The petitioner has been indicted on the basis of the disclosure statement of the co-accused. Recovery has already been effected. As per the learned counsel for the petitioner, in other cases, the petitioner has either been acquitted or on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.01.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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