



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-25152-2024 (O&M)
Date of Decision:- 27.11.2024

YOGESH MALIK

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ajay Kripal Singh, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
217	24.05.2023	384, 387, 506 IPC; 25(6) of the Arms Act	Tehsil Camp, District Panipat

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case having no role to play in the alleged FIR. He contends that the petitioner is not named in the FIR but has been nominated in the alleged disclosure statement of co-accused Sunny @ Sunny Singh, who has already been granted the concession of bail vide order dated 28.05.2024 passed in CRM-M-13627-2024. He further contends that no specific overt act is attributed to the petitioner and even as per the aforesaid disclosure statement of co-



accused Sunny @ Sunny Singh, only the allegations of conspiracy are there, which however are denied by the petitioner. He submits that the petitioner was arrested on 29.05.2023 and nothing incriminating has been recovered from him. He further submits that after the completion of investigation, challan has been presented in the Court and the prosecution has cited 20 witnesses and it will take sufficient long time for conclusion of trial. Thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report submitted by the State has opposed the bail petition by arguing that the petitioner had actively participated in the occurrence being one of the conspirator and as such he is not entitled to the concession of bail. However, it is not denied that challan has been presented in Court wherein 20 witnesses have been cited by the prosecution but none has been examined till date.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered on the complaint of Yogesh Kumar alleging that on 19.05.2023, some unknown person came to his shop and inquired about him and threatened his brother of dire consequences. Then on 22.05.2023, the complainant received four video messages and one text message on WhatsApp extending threats to kill him and demanding ransom and on the basis thereto, the FIR was registered. The present petitioner was nominated on the disclosure statement of co-accused Sunny @ Sunny Singh, and was arrested on 29.05.2023. The said Sunny @ Sunny



Singh has already been granted the concession of bail vide order dated 28.05.2024 passed in CRM-M-13627-2024. As per the State counsel, no incriminating articles have been recovered from the petitioner after his arrest. Consequent upon completion of investigation, challan has been presented in Court wherein the prosecution has cited 20 witnesses and none has been examined till date. Moreover, no specific overt act is attributed to the petitioner by the prosecution. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In these circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

27.11.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No