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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-61320-2024****Date of Decision: 12.12.2024**

Yogesh Kumar alias Yogesh alias Bhola

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Balvinder Sangwan, Advocate with
Mr. Mohit Poswal, Advocate
Mr. Savreet Singh Brar, Advocate and
Mr. Krishna Maurya, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the fifth petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.311 dated 21.06.2022 registered under Sections 302, 34 of IPC, at Police Station Ballabgarh City, Faridabad.

2. Learned counsel for the petitioner contends that the petitioner was not initially named as an accused in the present case. Initially, it was alleged that Kuldeep @ Kullu and Prince had allegedly assaulted the injured and caused him injuries. Later on, Tara Chand, injured succumbed to the injuries on the same day. During the course of investigation, the police had recorded the statement of Kuldeep @ Kullu, co-accused and the petitioner was also named by him as an accused. Learned counsel further contends that Kuldeep @ Kullu and Prince held a grudge against the deceased and even had an altercation with the deceased on 20.06.2022 i.e. one day prior to the incident and the petitioner was not involved in the said fight also. During the

course of investigation also, a danda is shown to have been recovered from the petitioner. However, the said danda does not connect the petitioner with the alleged crime in any manner. Learned counsel for the petitioner has placed reliance on the order dated 25.11.2024 (Annexure P-6), passed by this Court, whereby the concession of bail has been granted to Prince, the main accused. The case of the petitioner is on better footing than Prince and deserves the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner is in custody since 05.08.2022 and only 06 witnesses, out of total 30 witnesses have been examined so far. Moreover, Prince, the main accused has already been granted the bail by this Court vide order dated 25.11.2024 (Annexure P-6). Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

12.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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