



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

228-3

CRM-M-2775-2025

Date of decision: 21.05.2025

Yogesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.58 dated 31.01.2024 under Sections 302/34 of the IPC (Section 120-B of the IPC added lateron) and Section 25 of the Arms Act, 1959, registered at Police Station Sector-8, District Faridabad.

2. Reply by way of affidavit of Preet Pal, PPS, Deputy Superintendent of Police, Special Task Force, Haryana, Gurugram, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. The brief facts, as emerging from the record, are that the FIR (Annexure P-1) was registered at the instance of wife of the deceased Suraj Bhan alias Ballu Pehalwan, who was shot dead on



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30.01.2024 in the market of Sector-11, Faridabad. In her statement, the complainant stated that her husband had gone to the gym when she received a telephonic message that he had been shot by unknown assailants. She immediately rushed to the spot and found her husband lying dead. The FIR was initially registered against unknown persons.

4. Learned counsel for the petitioner has vehemently submitted that the petitioner was neither named in the FIR nor was any suspicion cast upon him at the initial stage of investigation. It is contended that the name of the petitioner surfaced for the first time nearly a month after the alleged incident, solely based on the disclosure statement of a co-accused. It has been further submitted that as per the case of the prosecution, the petitioner allegedly conducted a recce of the place of occurrence about a week prior to the murder in question, and helped in the supply of the weapon of offence to the prime accused Atul and Nakul, along with another co-accused Paramjit.

5. It has further been contended by the learned counsel that the case of the prosecution is based entirely on circumstantial evidence and that the petitioner had no motive whatsoever to participate in the offence. Moreover, it is argued that the disclosure statement of co-accused, being weak and inadmissible in evidence unless duly corroborated, cannot form the sole basis of denial of bail.

6. Learned counsel for the petitioner has further pointed out that the petitioner has no criminal antecedents, as reflected in the custody certificate which has been placed on record by the learned State counsel today. He has further submitted that after the petitioner was



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arrested in the present case on 31.05.2024, final report was presented on 29.11.2024, after which charges have also been framed. However, till date, none of the 34 prosecution witnesses have been examined. It has also been urged that one of the co-accused, namely Nitin Narula, who too was named as an accused subsequently in a supplementary statement and who is almost identically placed as the petitioner, has already been granted bail by this Court, and therefore, the petitioner also deserves similar relief.

7. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions, has submitted that the petitioner who is a hard-core criminal, is a part of a notorious gang of criminals and therefore, does not deserve the concession of bail. However, learned State counsel has not disputed the custody period of the petitioner, the presentation of the charge sheet, or the stage of trial. In addition, learned State counsel has contended that although the petitioner was not named in the FIR in question nor was any suspicion cast upon him, it came to light during investigation that the petitioner had knowledge of the daily gym routine of the deceased and had conducted a recce of the spot in his santro car, about a week prior to the occurrence in question; the santro car in which the petitioner had carried out the recce was subsequently recovered. Furthermore, the State has also pointed out that one of the co-accused, Manish, while getting his statement recorded under Section 164 of the Cr.P.C., had also corroborated that the petitioner had conspired with the other co-accused and conducted a recce of the



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market area where the deceased was gunned down.

8. However, on a appointed query, learned State counsel conceded that the petitioner is not alleged to have had any motive to commit the offence and was also not present at the scene of crime with the other accused who allegedly gunned down the deceased. Further, though the learned State counsel made a passing reference to the petitioner being a “hard-core criminal”, it was fairly conceded that as per the custody certificate placed on record, the petitioner has clean antecedents and is not involved in any other criminal case. On a further query as to whether any weapon of offence had been recovered from the petitioner on his arrest, the learned State counsel, on instructions, replied in the negative and fairly stated that the prime role attributed to the petitioner was just restricted to conducting a recce of the place of occurrence.

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

10. Admittedly, the FIR was registered against unknown assailants, and the petitioner was not named therein. The name of the petitioner surfaced only on the basis of disclosure statement of co-accused. It is also not the case of the prosecution that the petitioner was present at the scene of crime or that he was directly involved in the execution of the murder in question. The primary allegation against him is that he conducted a recce of the location about a week prior to the incident and allegedly helped in supplying the weapon of offence along with a co-accused.



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11. It has also not been disputed that no motive has been attributed to the petitioner to have conspired with the co-accused to carry out the murder in question.

12. The petitioner has now been in custody since 31.05.2024, and has no previous criminal antecedents, as also affirmed by the learned State counsel on instructions as well as through the custody certificate. The investigation is complete, and the charge sheet has already been filed. Charges have also been framed. The trial has not commenced, and not a single prosecution witness has been examined so far, rendering the possibility of the trial concluding in the near future remote.

13. In the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

14. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. The learned Trial Court/Duty Magistrate may impose any such stringent conditions as it deems fit so that the petitioner cooperates with the trial and appears before the Trial Court on each and every date of hearing.

15. 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.

16. Needless to add, in case the petitioner misuses the



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concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

21.05.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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