



252

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

**CRM-M No.22739 of 2025
Date of Decision: 13.05.2025**

Yoginder**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rajender Singh Malik, Advocate and
Mr. Paramvir Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.361, dated 15.09.2024 (Annexure P-1), under Sections 111(2)(b), 111(3), 308(5), 351(3) of BNS (Sections 249 & 61(2) of BNS added later on), registered at Police Station Bilaspur, District Gurugram.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Upender Kumar, alleging that from the last 4-5 years, he was doing the job of cashier at Old Rao Hotel, Delhi Jaipur Highway, Sidhrawali, Gurugram. On 10.09.2024, at about 07:10 P.M., he received a *whatsapp* call from number 39-3532020035. The caller disclosed his name as Yogender Chaudhary, sharp shooter of Kaushal Chaudhary and Amit



Dagar Gang. He told the complainant that they have been asked to extort hefty ransom from big Hotels of Gurugram and Rajasthan and he should inform the same to his boss and keep Rs.2 Crore ready, failing which, he would face the consequences of being fired at. Thereafter he inquired and came to know that such ransom calls was made to Highway King Hotel as well. The request was made to take the legal action. On the basis of the complaint, the FIR was registered and the investigation commenced. During the investigation, complicity of the petitioner surfaced on the basis of disclosure statement of co-accused and thus he was arrayed as an accused and was arrested on 17.11.2024. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Gurugram declined the petition filed by the petitioner vide order dated 29.03.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that neither the petitioner is named in the FIR nor there is any allegation made against him. He has submitted that the petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused, namely, Manisha Devi, whose disclosure statement was recorded on 11.11.2024. He has submitted that the disclosure statement of co-accused is not an admissible evidence. He has submitted that even otherwise from the perusal of the disclosure statement made by co-accused, Manisha Devi, there was no such disclosure made regarding the petitioner that he was involved in the present case. He has submitted that it is evident that the



petitioner was roped in the present case on the basis of presumptions and assumptions. He has submitted that there are two Yogender in the present case whereas the petitioner is Yogender @ Gundi @ Sachin and the other one is Yogender Chaudhary. He has submitted that the complainant has been examined and he has not supported the case of prosecution. He has submitted that the without any evidence, the petitioner is being considered as Yogender Chaudhary, who has allegedly made a ransom call. He has submitted that the case of prosecution is being without any evidence and thus the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioner. He, on instructions from SI Arun, has submitted that the petitioner is the same Yogender, who has made a ransom call. However he has submitted that co-accused, Manisha Devi had made a disclosure about the petitioner. He, on instructions, has submitted that out of 13 prosecution witnesses, 04 witnesses have been examined till date.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is inferred that the present FIR has been lodged by the complainant on the allegation that he received a ransom call from one Yogender Chaudhary. From the arguments and counter arguments raised, it has been disputed by learned counsel for the petitioner that there is no evidence collected by the prosecution to prove that the petitioner is Yogender Chaudhary whereas the petitioner is Yogender @ Gundi @ Sachin. This factual dispute would be assessed by the learned trial Court on weighing the evidence produced before it. Custody certificate



produced by learned State counsel would show that the petitioner has suffered incarceration of 05 months and 23 days as on 10.05.2025. The petitioner is involved in one more case, however he is on bail. As submitted before this Court, out of 13 prosecution witnesses, 04 witnesses have been examined till date and out of which the complainant has not supported the case of prosecution.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, 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 concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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