



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-M-43197-2024 (O&M)
Date of Decision:- 31.01.2025

YOGESH @ YUGGI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
425	04.09.2022	148, 149, 307 IPC; 25 of the Arms Act, 1959	Hodal, District Palwal

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 by the police without there being any specific overt act attributed to the petitioner. He contends that the petitioner is not alleged to have caused any injury to the complainant party nor are the allegation of firing against him.

In fact, it was the co-accused Rohit, who had fired upon the complainant



causing injury, with whom the petitioner has no concern. He submits that the petitioner is in custody since 28.02.2024, and after the completion of investigation, challan stands presented in Court. He thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments and prayed for dismissal of the petition on the ground that the petitioner had actively participated in the crime, hence, he is not entitled to the concession of bail.

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

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, it is alleged that on 03.09.2022, some persons including the petitioner had encircled the complainant, who along with his wife, was going to hospital and in the meanwhile, co-accused Rohit fired from his country-made pistol causing injury to the complainant. Admittedly, no injury is attributed to the petitioner nor is there any specific overt act attributed to him. After the completion of investigation, challan stands presented in the Court, wherein the prosecution has cited 21 witnesses and till date, none has been examined. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the 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, stands disposed of.

(SANJIV BERRY)
JUDGE

31.01.2025
S.Sharma(syr)

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