



CRM-M-47239-2025 (O&amp;M)

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

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**CRM-M-47239-2025 (O&M)  
Decided on : 15.10.2025**

Yogesh

..... Petitioner

VERSUS

State of Punjab

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

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**SURYA PARTAP SINGH, J. (Oral)**

1. For the commission of offence punishable under Sections 310(4), 310(5), 191(3) and 190 of BNS and 21 of NDPS Act, the FIR No.48 dated 17.05.2025 has been lodged in Police Station Baretta, District Mansa. The petitioner has been arrested in the abovementioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

2. In nut-shell, the facts emerging from the record are that the FIR of this case came into being in response to an information memo sent by ASI Avtar Singh. According to above-named police officer a team headed by him was on patrolling duty on Village Kulrian link road, Village Dharampura, when he got a tip-off that 17-18 persons including the

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petitioner were sitting on a tube-well in Village Dharpura and they were armed with various weapons and planning to commit robbery. According to above-named police officials, finding the information trustworthy, he visited the place along with the accompanying police officials and found that three two-wheelers and one swift car had been parked there. As per prosecution, the police team conducted the raid and arrested the persons present there, including the petitioner.

3. According to prosecution since all the persons were armed with deadly weapons and they were planning to commit robbery, FIR for the commission of offence punishable under Sections 310(4), 310(5), 191(3) and 190 of BNS and Section 21 of NDPS Act has been lodged and the persons, present on the spot, duly arrested.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Jasdev Singh Thind, DAG Punjab accepts notice on behalf of respondent-State, and waives service. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State and learned State counsel has opted to oppose the present petition orally.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of more than 4 months, and that the trial is not likely to be concluded in near future. It has also been argued by



learned counsel for the petitioner that nothing is left to be recovered from the possession of petitioner and that release of the petitioner on bail is not likely to cause any prejudice to the prosecution case. According to learned counsel for the petitioner, the petitioner is also entitled for benefit of bail on the ground of parity as his co-accused, namely Rinku, has already been released on bail by this Court vide order dated 25.09.2025 passed in CRM-M-45405-2025.

8. *Per contra*, the learned State counsel has argued that there are direct, specific and categorical allegations against the petitioner, with regard to his involvement in the commission of offence, and that if released on bail he is likely to indulge in similar kind of activity. According to learned State counsel, since the nature of offence is so grievous, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A careful perusal of record shows that in the present case there are several relevant factors which are required to be taken into consideration before arriving at any decision with regard to instant bail petition:-

- i) that the petitioner has already suffered sufficient incarceration for being in custody for a period of more than 04 months and 23 days;
- ii) that nothing is left to be recovered from the possession of the petitioner;
- iii) that the trial is not likely to be concluded in near future;

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- iv) that detention of the petitioner behind the bar is not likely to serve any purpose;
- v) that co-accused of the petitioner, namely Rinku, has already been released on bail by this Court; and
- v) that there is nothing on record to show that if released on bail, the petitioner is not likely to tamper with the evidence.

11. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

12. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court.

13. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**OCTOBER 15, 2025**

*Gaurav Thakur*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No