



CRM-M-34887-2025

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

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**CRM-M-34887-2025  
Decided on :11.07.2025**

Yogesh @ Babbu

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

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

Mr. P.K. Jhanda, DAG, Haryana.

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**SANJAY VASHISTH, J. (Oral)**

1. Present petition has been filed under Section 483 of BNSS seeking regular bail in case FIR No.150 dated 30.05.2024, under Sections 148, 149, 323, 325, 341, 427, 506 of IPC (Section 307 IPC was added later on), registered at Police Station BPTP, District Faridabad, Haryana.

2. Learned counsel for the petitioner contends that the petitioner, Yogesh @ Babbu, has been in custody since 30.07.2024, despite there being no specific attribution to him as detailed in the FIR, which was lodged at the instance of the complainant-Gajender (father of the injured, Manoj). Counsel further refers to the medical opinion placed on record, wherein the doctor opined that "the nature of injuries to Manoj Kumar were 'grievous' in nature and threat to life due to these injuries cannot be ruled out."

Counsel submits that the medical opinion is vague, and therefore, it remains to be determined, based on the doctor's deposition before the trial Court, whether or not the alleged offence would fall under



Section 109 of the Bharatiya Nyaya Sanhita (corresponding to Section 307 IPC).

Counsel also refers to the observations made by the learned Additional Sessions Judge, Faridabad, in the order dated 29.04.2025, whereby the petitioner's bail application was dismissed. He submits that even the Court below could not arrive at a definite conclusion as to whether the injuries sustained by Manoj could conclusively be termed as dangerous to life. Paragraph No. 7 of the said order reads as under:

*“7. After hearing learned counsel for the applicant-accused, as well as learned Public Prosecutor for the State assisted by learned counsel for the complainant and going through the records, it is noticed that allegations levelled against present applicant-accused Yogesh @ Babbu are that he along with other co-accused namely Ishwar and Pritam etc. in prosecution of their common object had caused grievous injuries to injured Manoj son of Gajender on 30.5.2024 with hammer and iron rods. The injuries sustained by injured Manoj as per medical opinion dated 01.04.2025 given by doctors of B.K. Civil Hospital, Faridabad were found to be grievous in nature but it is not always necessary that the injuries sustained by the injured must be dangerous to life in order to establish the charge under section 307 of Indian Penal Code. The Hon'ble Supreme Court of India in case law titled '**Hari Mohan Mandal Vs. State of Jharkhand**' (2004) 12 SCC 220 has held that :*

***"It is sufficient to justify a conviction under section 307 of IPC if there is present an intent coupled with some overt act in execution thereof. It was also held in the said case that it is not essential that bodily injury capable of causing death should have been inflicted."***

Moreover, it is not the case of the prosecution that any of the injuries, alleged to be dangerous to life, were inflicted at the instance of the petitioner. Since the investigation stands concluded and the process of recording the statements of prosecution witnesses is yet to commence, the petitioner prays for the grant of regular bail.

3. While opposing the prayer for bail, learned State Counsel submits that all the assailants were heavily armed, carrying iron rods and hammers.

On being asked by the Court, learned State Counsel submits that nothing remains to be recovered from the possession of the



petitioner. He, however, confirms that the petitioner has been in custody since 30.07.2024.

In addition, learned State Counsel opposes the bail plea on the ground that four other criminal cases are registered against the petitioner. Therefore, he submits that the petitioner does not deserve any sympathetic consideration and prays for dismissal of the bail application.

4. Having considered the submissions of learned counsel for the parties and upon perusal of the record, this Court is of the view that the question as to whether an offence under Section 109 of the Bharatiya Nyaya Sanhita is made out against the petitioner is yet to be determined by the trial Court upon appreciation of the complete medical evidence.

As submitted by the respective counsel, no specific injury has been attributed to the petitioner in the FIR, no weapon has been recovered from him, and he has been in custody since 30.07.2024. Furthermore, charges have been framed, and the recording of statements of prosecution witnesses is yet to commence. In view of the above, this Court finds merit in the prayer of the petitioner.

Additionally, it is also noticed that petitioner is in custody since 30.07.2024, deserves a fair opportunity to seek rehabilitation and reintegration into society.

Without expressing any opinion on the merits of the prosecution's case, however, keeping in view that no specific injury has been attributed to the petitioner in the FIR, no weapon has been recovered from him, and the recording of prosecution witnesses is yet to commence, this Court is of the opinion that the petitioner's personal liberty ought not to be curtailed indefinitely, particularly when the trial is likely to take considerable time to conclude.

5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

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6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**11.07.2025***Rashmi**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*