

Neutral Citation No. - 2023:AHC:234931

RESERVED ON 4.12.2023

DELIVERED ON 12.12.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10411 of 2023

Applicant :- Aakash Pandit

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinay Kumar Singh Chandel, Kunwar

Bikram Suryabansh

Counsel for Opposite Party :- G.A., Satish Kumar Tyagi

Hon'ble Siddharth, J.

Heard Sri Arun Kumar Tripathi, Advocate holding brief of of Sri Vinay Kumar Singh Chandel, learned counsel for the applicant; Satish Kumar Tyagi, learned counsel for the informant and learned A.G.A for the State.

The instant bail application has been filed on behalf of the applicant, **Aakash Pandit**, with a prayer to release him on bail in **Case Crime No. 751 of 2021, under Sections 302.307,120-B,34 IPC, Police Station Loni Border, District- Ghaziabad**, during pendency of trial.

There is allegation against applicant that he came to the shop of husband of informant along with co-accused, Chotu and after taking out country made pistol fired on his chest. Co-accused, Chotu, was standing with started motorcycle and applicant tried to escape from the scene. He was chased by family members of the deceased but he fired upon them and vanished. Thereafter husband of the informant died.

Learned counsel for the applicant has submitted that police has not recorded confessional statement of applicant and co-accused nor any incriminating recovery was made from him. Charge sheet has been submitted against the applicant without making proper investigation. He has been falsely implicated in this case on the basis of cooked up story. Applicant has no criminal history. He is in jail since 25.8.2021.

Learned counsel for informant and learned AGA have vehemently opposed prayer for bail of applicant and submitted that it is a case of dare devil act of murder.

Applicant shot on the chest of deceased and went away on motor cycle of co-accused, Chotu. The incident was seen by number of persons present on the spot. The investigating officer conducted fair and proper investigation. He has pointed out to statement of eyewitness, Sanjit Chaudhary, who has stated in detail about the fact that applicant had grudge against deceased since he was caught by the deceased committing theft and he was slapped by the deceased for committing theft. For taking revenge applicant committed the alleged offence. Applicant was earlier employed as truck driver of the deceased and he was removed from the job about 1/1/2 years back.

This Court after hearing learned counsels for parties does not find any ground for enlarging the applicant on bail at this stage.

The bail application of applicant is accordingly rejected.

The court below is directed to conclude the trial against the applicant, as expeditiously as possible, preferably within a period of one year from the date of production of certified copy of this order as per section 309 Cr.P.C.

Order Date :- 12.12.2023

Atul kr. sri.

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