

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 16882 of 2023

Applicant :- Lala @ Lalaram

Opposite Party :- State of U.P.

Counsel for Applicant :- Rizwan Ahamad, Kuldeep Singh Chahar, Veer Singh

Counsel for Opposite Party :- G.A., Dharendra Kumar, Ulajhan Singh Bind

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. The instant bail application is listed today as nominated case pursuant to the order passed by Hon'ble The Chief Justice dated 08.11.2023.
3. Heard Sri Kuldeep Singh Chahar, learned counsel for the applicant, Sri Ulajhan Singh Bind, learned counsel for the informant and Sri Suresh Bahadur Singh, learned AGA for the State.
4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 386 of 2022, under Sections 323, 325, 326, 352, 504, 506 IPC, Police Station Kosikala, District Mathura during pendency of the trial.
5. FIR of the present case was lodged against applicant and six others and 3-4 unknown person and according to the FIR, applicant and his associates made assault upon one Jitendra through wooden-sticks, iron-rod, hammer etc. and due to assault made by them, injured Jitendra sustained serious injuries.
6. Learned counsel for the applicant submitted that entire allegations made against the applicant are totally false and baseless and actually applicant never participated in the alleged commission of crime. He further submits that in the FIR there are seven persons named but when the statement of injured was recorded then he disclosed the name of only four persons including

applicant and after investigation charge-sheet was filed only against two persons i.e. co-accused Pawan Pahalwan and applicant. He further submits that all these facts clearly suggests that prosecution has not come with clean hands.

7. He further submits that actually injured was a history sheetor and number of cases were pending against him and one such case was lodged by one of the relative of the applicant and only due to this reason he implicated the applicant in the present matter.

8. He further submits that however bail application of co-accused Pawan Pahalwan has been dismissed by this Court vide order dated 12.04.2023 but law is settled that there is no parity of bail rejection order. He further submits that even from the bail rejection order dated 12.04.2023, it appears that it was rejected on one of the ground that he was in jail only since 17.12.2022 i.e. for last about four months but applicant in the present matter is in jail since 09.12.2022 i.e. for almost a year, therefore, considering the long incarceration of the applicant and nature of allegation, he may be enlarged on bail.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that there is no distinction between the role attributed to co-accused Pawan Pahalwan and applicant and after considering the entire facts of the case, this Bench rejected the bail application of co-accused Pawan Pahalwan on merit and there is no occasion for this Court to deviate from its earlier opinion. They further submit that applicant is also having criminal history of three cases and maximum punishment for the offence under Section 326 IPC is life imprisonment, therefore, considering the facts and circumstances of the case, applicant should not be released on bail.

10. I have heard learned counsel for the parties and perused the record of the case.

11. Considering the statement of the injured and the fact that bail application of co-accused Pawan Pahalwan has been dismissed on merit by this Court and there is no reason to deviate from the earlier opinion formed in the case of co-accused Pawan Pahalwan, in my view, applicant is not entitled to be released on bail at this stage.

12. Accordingly, the instant bail application is rejected at this stage.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

14. However, considering the fact that applicant is in jail for almost a year, trial court is directed to conclude the trial of the case as expeditiously as possible in accordance with law without granting any unnecessary adjournments to either of the parties, if there is no legal impediment.

Order Date :- 20.11.2023

AK Pandey