

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29977 of 2023

Applicant :- Narendra Singh Alias Nandu

Opposite Party :- State of U.P.

Counsel for Applicant :- Laxmi Kant Shukla, Neeraj

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Chandra Bhan Kushwaha, Advocate, holding brief of Sri Neeraj, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 1403 of 2021, under Sections 147, 148, 149, 307, 323, 504, 506, 34 IPC, Police Station-Highway, District- Mathura, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by this Court on 03.01.2023 and he is pressing the instant second bail application on the ground that applicant is in jail since 12.01.2022 i.e for last almost two years and till date not even charges could be framed and, therefore, considering the delay in trial and long incarceration of the applicant, he may be released on bail.

4. Per contra, learned AGA opposed the prayer for bail and submitted that apart from the present case, applicant is also having criminal history of two cases and he is the person, who caused fire arm injury to the injured and, therefore, it is not proper to release the applicant on bail, however, he suggested that applicant should be given liberty to renew his prayer for bail after recording of the statement of the injured.

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

6. This is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by

this Court on 03.01.2023. However, from the record, it reflects that applicant is in jail for almost two years and till date, not even charges could be framed but in the present matter allegation against the applicant is that he caused fire arm injury to the injured. Further, he is also having criminal history of two cases, therefore, I am not inclined to release the applicant on bail at this stage.

7. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

8. 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.

9. However, considering the fact that applicant is in jail for almost two years, trial court is directed to conclude the trial of the case within a period of **nine months** from the date of production of certified copy of this order, strictly as per the provisions of Section 309 Cr.P.C., if there is no legal impediment.

10. It is open for the applicant to renew his prayer for bail, if within stipulated period of nine months trial of the case could not be concluded or after recording of the statement of the injured, which ever is earlier.

Order Date :- 8.12.2023

KK Patel