

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50328 of 2021

Applicant :- Tek Chand

Opposite Party :- State of U.P.

Counsel for Applicant :- Munesh Kumar, Mohammad Khalid, Pawan Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 164 of 2021 at Police Station Rajpura, District Sambhal under Section 304 I.P.C. The applicant is in jail since 12.06.2021.

The bail application of the applicant was rejected by the learned trial court on 27.07.2021.

The following arguments made by Shri Riyaz Ahmad Siddiqui holding brief of Shri Pawan Kumar Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant was nominated falsely on account of village rivalry.
2. The F.I.R. assigns a vague and general role to the applicant.
3. All the eye witnesses while testifying before the trial court as prosecution witnesses have repudiated the

prosecution case against the applicant. The said witnesses have been declared hostile.

4. The applicant claims congruency in role and seeks parity in relief granted to the co-accused who has been enlarged on bail by this Court by order dated 03.10.2023 in Criminal Misc. Bail Application No. 49662 of 2021.

5. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.

6. The trial is moving at a snail's pace and is not likely to conclude anytime in the near future. The applicant is not responsible for the delay in the trial.

7. Inordinate delay in concluding trial had led to virtually an indefinite imprisonment of the applicant without there being any credible evidence to implicate him in the offence and violates the rights of the applicant to speedy trial.

8. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- **Tek Chand** be released on bail in the

aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 12.10.2023

Jaswant