

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 37408 of 2023

**Applicant :-** Jalveer @ Jallu

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Daya Shanker Pandey

**Counsel for Opposite Party :-** G.A.,Mohd. Khalil

**Hon'ble Vivek Varma,J.**

1. Supplementary affidavit filed by the counsel for the applicant, is taken on record.
2. Heard learned counsel for the applicant, Sri Mohd. Khalil, learned counsel for the informant and Sri Rupak Chaubey, learned AGA for the State-respondent.
3. The instant bail application under Section 439 Cr.P.C. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 690 of 2022, under Sections 386, 506 IPC, Police Station Murad Nagar, District Ghaziabad, during the pendency of trial.
4. Counsel for the applicant submits that the incident is alleged to have occurred on 11.09.2022. The first information report was lodged on 16.10.2022. The inordinate delay in lodging the first information report is fatal to the prosecution case. It is next contended that the independent witnesses have not supported the prosecution version. The applicant had not demanded any money from the informant. In fact the money of the applicant was outstanding against the informant. It is next contended that there is no delivery of amount demanded and as such Section 386 IPC is not made out in the instant case. Further, the trial is moving at snail's pace and is not likely to conclude early. Inordinate delay in concluding the trial has 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. The criminal history of the applicant has been explained in paras 10 and 11 of the affidavit. The applicant is in jail since 17.10.2022 and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the first information

report has been lodged belatedly. The independent witnesses have not supported the prosecution version. At this stage there is no substantive evidence against the applicant. The applicant has remained confined for more than one year and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Jalveer @ Jallu** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

**Order Date :- 28.11.2023**

Lbm/-