

Neutral Citation No. - 2023:AHC:210861

Reserved On:- 30.10.2023

Delivered On:- 02.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43702 of 2023

Applicant :- Lal @ Sajid

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhai Kumar Singh, Awadhesh Kumar Singh

Counsel for Opposite Party :- G.A., Deepak Rana

Hon'ble Siddharth, J.

1. Heard Sri A.K. Singh, learned counsel for applicant; Sri Deepak Rana, learned counsel for informant and learned AGA for Stated.
2. The instant bail application has been filed on behalf of the applicant, Lal @ Sajid, with a prayer to release him on bail in Case Crime No. 262 of 2023, under Sections- 302, 120-B, 34 IPC, Police Station- Pilkhuwa, District- Hapur.
3. There is allegation in the FIR that dead body of the father of informant is lying besides the road. He had gone to attend his job but did not returned like on the earlier days. White cloth was found around his neck. Apprehension was expressed that murder of his father of informant was committed by his mother, Reshma, along with her lover, Lal @ Sajid, the applicant.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case on the basis of suspicion. There is no direct or indirect evidence against him. Except his confessional statement and planted recovery of white cloth, there is nothing against the applicant to implicate him in this case. Charge sheet has already been submitted against the

applicant. The applicant has criminal history of one case explained in paragraph 22 of the affidavit in support of the bail application.

5. Learned counsel for the applicant has further submitted that co-accused, Firoz @ Foli and Anwar @ Bhura, who were assigned the role of having common intention in commission of alleged offence have already been enlarged on bail by two coordinate Benches of this Court vide Criminal Misc. Bail Application Nos. 37649 of 2023 and 37628 of 2023.

6. Counsel for the informant has submitted that the applicant has criminal history of 5 cases. In the counter affidavit filed by counsel for the informant the details of criminal history of five cases of the applicant have been brought on record by way of counter affidavit which has not been denied by filing any rejoinder affidavit. Therefore, it is clear that when the bail application was being filed the complete facts were not brought on record of the case.

7. A perusal of the order of the co-accused, Firoz @ Foli, proves that the coordinate Bench has granted bail to the co-accused, Firoz @ Foli, by recording the finding that main role has been assigned to the applicant and co-accused, Parvej @ King.

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

9. The bail application is accordingly, rejected.

10. The trial court 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.

Order Date :-

Rohit