

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39698 of 2023

Applicant :- Sukhchain Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Saxena

Counsel for Opposite Party :- G.A., Mohammad Waseem

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed today is taken on record. Heard learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A. for the State and perused the record.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 502 of 2022 under Sections 420, 467, 468, 471, 504, 506, 120B I.P.C., Police Station- Cantt, District- Bareilly, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. It transpires that earlier by way of sale-deed dated 29.10.2020, 250.8 square meter land of gata number 1174 was sold to the informant and possession was delivered to her. Later on 6.9.2022 an area of 211.92 square meter was again sold by the applicant to one Room Singh. According to the learned counsel for the informant, the same area which has been sold to the informant on 29.10.2020 has been sold to Room Singh, therefore, the present dispute arose and in connection of such dispute and altercation took place and F.I.R. u/S 307 I.P.C. has also been lodged against the applicant, Bod Singh and four unknown persons. Learned counsel for the applicant admits that till now to family partition through the Court has taken place with regard to the disputed plot and the matter relates to boundary and demarcation of the land in question. The matter relates to civil in nature and suit for partition may be filed on the basis of sale-deed dated 29.10.2020, if the land of both the sale deeds overlap to each other, certainly the sale deed in favour of the informant would prevail as it is executed prior to the second sale-deed. The applicant is in jail since 9.8.2023, having no previous criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for more than two months, and after submission of the charge-sheet, there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper 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.

6. Let the applicant- **Sukhchain Singh**, involved in 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;
- (iii) shall not pressurize the prosecution witnesses.

7. 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 :- 20.11.2023

S.Verma