

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44205 of 2023.

Applicant :- Haseen Miyan

Opposite Party :- State of U.P.

Counsel for Applicant :- Purushottam Pandey

Counsel for Opposite Party :- G.A., Hasan Parvej

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Purushottam Pandey, learned counsel for the applicant, Sri Hasan Parvej, learned counsel for the informant, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 186 of 2022, under Sections 420, 467, 468, 471, 323, 352, 504, 506 I.P.C, Police Station Kila, District Bareilly, during the pendency of trial.

3. Learned counsel for the applicant has contended that the applicant is quite innocent and he has been falsely implicated in the present case. He has further contended that Haseen Miyan is son of Yaseen Miyan, whose name has been recorded against Khasra No. 142 and 143 in *Fasali* No. 13897 and when and how name of the informant was entered against these two *Khatauni* has not been known. However, the name of Haseen Miyan and Yaseen Miyan was not recorded when they all three executed a registered agreement in favour of purchaser. As per the agreement for sale all the three accused persons fixed sale of 20 *Bighas* land of *Khasra* Nos. 142 and 143 for a sum of Rs. 10,00,000/- and received Rs. 1,00,000/- as earnest money at the time of execution of agreement of sale. The agreement of sale is without possession.

Learned counsel for the informant contended that however the whole *Khasra* and *Khatauni* is not before the Court and further he states that there is house of the informant on *Khasara* No. 142. It appears that *Khasra* Nos. 142 and 143 are big plots. It is recognized principles of law that no right title or interest is transferred on account of agreement for sale. It does not confer any right particularly when no possession was transferred by the applicant.

It is also contended that before the execution of sale deed no right title or interest passes to the vendee indeed. There is single criminal antecedent, which has already been explained by the applicant and the applicant is in jail since **15.06.2023** and mere agreement for sale is of no avail. In case, the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the counsel for the applicant.

5. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly the bail application is allowed

6. Let the applicant - **Haseen Miyan** involved in the aforesaid case crime 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 :- 7.11.2023

Vinod.