

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41870 of 2023

Applicant :- Kunwar Pal

Opposite Party :- State of U.P.

Counsel for Applicant :- Dinesh Yadav

Counsel for Opposite Party :- G.A.,Bharat Singh

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant, Sri Bharat Singh, learned counsel for the informant and learned AGA for the State-respondent.
2. 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. 109 of 2022, under Sections 452, 323, 307, 506 IPC, Police Station Rajpura, District Sambhal, during the pendency of trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The incident is alleged to have occurred on 04.03.2022 and the first information report was lodged on 01.04.2022. The delay in the facts of the present case is fatal to the prosecution case. In the first information report, four persons including the applicant are nominated. The applicant is alleged to have caused *Farsa* injuries on the head of the informant-Bhagwan Singh. As per the medical report of injured-Bhagwan Singh, the injuries sustained by him are simple in nature. It is next contended that the role of the applicant is clearly distinguishable from that of other co-accused. The applicant is in jail since 07.07.2023 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
4. 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.
5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that injuries sustained by the injured are simple in nature. At this stage it cannot be said that the applicant had any intention to murder the injured. The applicant has remained confined for more than three 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 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.

6. Let the applicant **Kunwar Pal**, 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.

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 :- 16.10.2023

Lbm/-