

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42449 of 2023

Applicant :- Malkit Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Tyagi

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

Hon'ble Vivek Varma,J.

1. Heard learned Counsel for the applicant, learned A.G.A. for the State and Sri Vivek Singh, counsel for the informant. Perused the record.

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. 158 of 2023, under Sections 323, 504, 506 and 307 I.P.C., Police Station- Hastinapur, District- Meerut during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case owing to certain other dispute between the parties. As per the allegations in the first information report the applicant is alleged to have caused firearm injuries upon the right knee of the informant. As per the supplementary report dated 11.8.2023 no abnormality was seen. In the opinion of the doctor the injuries were simple in nature. It is contended that the applicant did not had any intent to kill the injured. The injuries are on non vital part of the body. The applicant does not have any criminal history. The applicant is in jail since 21.8.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. and 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 the injuries are non vital part of the body and are simple in nature. Further the applicant has presently remained confined for more than two months and 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 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, **Malkit Singh** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

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 :- 31.10.2023
S.S.