

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42669 of 2023

Applicant :- Genu @ Dushyant Pratap @ Dushyant Pratap Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Avanish Kumar Srivastava, Anand Srivastava

Counsel for Opposite Party :- G.A., Rajesh Kumar

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Avanish Kumar Srivastava, learned counsel for the applicant, Sri Rajesh Kumar, learned counsel for the informant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.128 of 2023, under Sections 307, 323 and 504 IPC, Police Station Sakeet, District Etah with the prayer to enlarge him on bail.
4. As per prosecution story, the applicant alongwith one unknown person is stated to have started hurling abuse at the son of the informant on 19.06.2023 at about 8:00 p.m. On being asked to refrain from doing so, the applicant is stated to have caused gunshot injury to him and is stated to have run away from the scene of occurrence.
5. Learned counsel for the applicant has stated that he has been falsely implicated in the present case. There are ample contradictions in the statements of the witnesses as even the place of occurrence has been changed from the agricultural fields to house later on. Learned counsel has further stated that it is alleged in the FIR that earlier on the applicant had fired thrice at the father of the injured person but he has not sustained any firearm injury. The independent witnesses have categorically stated that there was utter darkness at the place of occurrence, as such there was no possibility of the applicant being identified. The criminal history of one case assigned to the applicant stands explained. The applicant is in jail since 26.06.2023.

6. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the FIR is prompt and has been lodged the same night at 09:11 p.m. Furthermore, the injury report categorically corroborates the prosecution story and the injured was treated upon and operated upon by the doctor and was admitted at hospital for eleven days, as such the applicant is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the promptness of the FIR and the injury sustained, I do not find it a fit case for grant of bail to the applicant.

8. The bail application is found devoid of merits and is, accordingly, ***rejected***.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Apex Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 13.10.2023
Ravi Kant

(Krishan Pahal, J.)