

Neutral Citation No. - 2023:AHC:219611

Reserved On:- 17.11.2023

Delivered On:- 20.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45587 of 2023

Applicant :- Surendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Singh Rana, Vikas Tripathi

Counsel for Opposite Party :- G.A., Jitendra Singh, Vikas Rastogi

Hon'ble Siddharth, J.

1. Heard Sri Imran Ulla, learned counsel for applicant; Sri Vikas Rastogi, learned counsel for informant and learned AGA for State.
2. The instant bail application has been filed on behalf of the applicant, Surendra Singh, with a prayer to release him on bail in Case Crime No. 300 of 2023, under Sections- 302, 201, 120-B, 34 IPC, Police Station- Highway, District- Mathura.
3. There is allegation in the FIR that there is litigation regarding partition of land of informant and his brother, Lakhan Singh, pending with his collaterals, Nirpat and Mahavir, sons of late Shiv Charan. They had enmity with the informant and his brother on aforesaid account. Their aunt (*bua*), co-accused, Indira Devi, was also having evil eye on their land and she used to instigate co-accused, Nirpat, Himanshu and Bunty, sons of Mahavir who were pressurizing them to withdraw the case. On account of aforesaid enmity on 17.03.2023 at about 10:00 p.m co-accused, Bunty and two unknown accused covering their face, out of which one was of the size of co-accused, Himanshu, came armed with weapons and fired on the brother of informant, Lakhan Singh, and after causing him injury went

away. During treatment, he died in the hospital. The incident was seen by son of Lakhan Singh, Devendra and Manish; Pawan son of Kartar; mother of Lakhan Singh, Ramwati and his daughter, Bhawna. It was alleged that all the accused persons conspired due to greed of land and caused murder of Lakhan Singh. The FIR was lodged by the brother of the informant, Surendra Singh, the applicant, on the next day i.e., 18.03.2023 at about 13.55 hours.

4. Learned counsel for the applicant submits that he was not named in the FIR and has no concern with the present offence. He is informant of this case and his real brother was done to death. Police has falsely implicated him in this case only to exonerate the named accused. He was named by co-accused who have already been enlarged on bail by this Court. There is no evidence against the applicant for implication in this case except the confessional statement of co-accused. The applicant is in jail since 23.03.2023 and has criminal history of three cases explained in paragraph 33 of the bail application. All the three cases are of minor nature.

5. On the other hand learned A.G.A has opposed the prayer for bail.

6. After hearing this rival contentions, this Court finds that subsequently, in the statements of the sons of deceased, namely, Devendra and Manish, his daughter, Km. Bhawna and mother, Indira Devi, it has come out that the informant, Surendra Singh, himself got his brother murdered by engaging criminals and he got his four family members falsely implicated in this case. He also removed the D.V.R of C.C.T.V so that the assailants may not be recognized. His mother has stated that the applicant is greedy person. He had sold a house and promised to pay Rs. 10 lakhs to his deceased brother, Lakhan, but he did not paid the same and transferred Rs. 10 lakhs in the account of his wife. She has made other

allegation also against the applicant regarding his greedy nature. Even the mother of the applicant had made allegation against the applicant. It is not a fit case for granting bail to the applicant at this stage.

7. The bail application is accordingly, ***rejected***.

8. The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year.

Order Date :- 20.11.2023

Rohit