

**Court No. - 72**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 11586 of 2023

**Applicant :-** Deshraj Singh

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Utkarsh Birla

**Counsel for Opposite Party :-** G.A.

**Hon'ble Krishan Pahal,J.**

1. List has been revised.
2. Heard Sri Utkarsh Birla, learned counsel for the applicant, Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.275 of 1998, under Sections 364 and 506 I.P.C., Police Station Nai Mandi, District Muzaffarnagar, during the pendency of trial.
4. As per prosecution story, the applicant and the deceased person were both employed as Bandi Rakshak and had an altercation one year before the date of occurrence. On 30.05.1998 at about 6:30 p.m., the husband of the informant was seen taken away by the co-accused person Ramji Singh and one another person in a Maruti car and the applicant was seen standing near it.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. The FIR was instituted in the year 1998 on the basis of suspicion only and the final report (charge-sheet) was submitted on 31.03.2004. The applicant had no knowledge of any final report (charge-sheet) having been submitted against him. He has since retired and is a bonafide person. Learned counsel has further stated that the applicant has no criminal antecedents to his credit. He is ready to cooperate during trial. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.
6. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application on the ground that the applicant is

not cooperating in trial and has kept it delayed for a substantial period of time i.e. after submission of final report even 19 years have passed. Learned A.G.A. has further informed that already the proceedings under Section 82 Cr.P.C. have been initiated against the applicant on 09.10.2023.

7. In rebuttal, learned counsel for the applicant has stated that the said proceedings under Section 82 Cr.P.C. have been undertaken after the applicant had applied for anticipatory bail at the Sessions Court and was disposed of and he has subsequently applied for anticipatory bail before this Court, thus the said proceedings under Section 82 Cr.P.C. cannot be taken up against the applicant.

8. After hearing learned counsel for the parties and taking into consideration the fact that already 19 years have passed since filing of final report (charge-sheet), I do not find it a fit case for grant of anticipatory bail to the applicant.

9. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

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

**Order Date :-** 19.10.2023

Ravi Kant

**(Krishan Pahal, J.)**