

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45114 of 2023

Applicant :- Daljit Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudhir Kumar Verma, Sunil Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Sunil Kumar Srivastava, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed **with a prayer to enlarge the applicant on bail in Case Crime No.99 of 2023, under Sections 420, 467, 468, 471, 120B, 504, 506 IPC**, Police Station Kotwali Dehat, District Saharanpur, during the pendency of trial.
3. Learned counsel for the applicant contends that as per FIR and facts of the case Harish Agrawal sold the property in question to the applicant on 15.09.2018. Later on he sold the same property to Abdul Samad and three others. Harish Agrawal lodged an FIR alleging that when he came to the plot he found that Abdul Samad and three others had illegally occupied the property in question on 22.11.2020. Learned counsel further contends that there is undue and unexplained delay in lodging the FIR has been lodged after more than two years of the incident. Harish Agrawal filed a suit for cancellation of sale deed being Original Suit No.590 of 2020 in the Court of Civil Judge (Senior Division), Saharanpur which has already been decreed and the impugned sale deed dated 15.09.2018 has already been cancelled vide judgment and order dated 04.08.2022 against which no appeal has been preferred either by the applicant or by any other accused persons. It is also contended that this case is of civil nature for which the applicant may not be prosecuted treating him to be a criminal. There is no previous criminal history of the accused. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 04.09.2023. In case the applicant 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 advanced by the counsel for the applicant.

5. Considering the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Daljit Singh**, 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;

(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 :- 22.11.2023

Shahroz