

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46563 of 2023

Applicant :- Navjeet Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Amarjeet Choudhary, Sangam Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Second supplementary affidavit filed by counsel for the applicant is taken on record.
2. Heard counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State.
3. 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. 261 of 2007, under Sections 147, 148, 452, 323, 506, 364 and 504 of I.P.C., Police Station- Hazaratnagar Garhi, District- Moradabad, during pendency of the trial.
4. Counsel for the applicant contends that charge-sheet was filed against the co-accused, Sarjeet on 14.02.2018. On 12.08.2008, final report in favour of the applicant was submitted by the Investigating Officer. However, the learned Magistrate by order dated 26.02.2008 summoned the applicant. Consequently, the applicant was arrested on 30.09.2023 and since then he is in jail. It is further contended, that the co-accused, Sarjeet, has been granted bail by this Court vide order dated 10.03.2008 in Criminal Misc. Bail Application No. 5158 of 2008. The criminal history of the applicant has been explained in para no. 23 of the bail application. In case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.
6. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that no charge-sheet was filed against the applicant. Further, the co-accused, Sarjeet has been granted bail by this Court. The applicant has remained confined for more than one month 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 delay the trial or

intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Navjeet 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 temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness; and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. 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 :- 20.11.2023
Sachin Mishra