

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48797 of 2023

Applicant :- Jarnail Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajeev Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Rajeev Tiwari, learned counsel for the applicant, Sri Pankaj Kumar Tripathi, learned AGA for the State and perused the record.

2. By means of the present bail application, the applicant seeks bail in Case Crime No.223 of 2023, under Sections 3/5/25 of the Arms Act, Police Station Madrak, District Aligarh, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the applicant is innocent has falsely been implicated in the present case. He has not committed any offence as alleged by the prosecution. It is further contended that the prosecution has shown the recovery of arms from the possession of the applicant which was false and fabricated and has been falsely planted upon the applicant due to ulterior motive. It is also contended that for the alleged false recovery no independent or public witness has been produced by the prosecution. It is also contended that there is criminal history against the applicant in which he has been enlarged on bail which has been explained in paragraph-16 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 10.10.2023. In case the applicant is enlarged on bail, he will not misuse the

said liberty.

4. Learned AGA has vehemently opposed the bail application and submitted that the applicant has been arrested on the spot from where numbers of fire arms have been recovered from his possession. It is also contended that though the applicant has been enlarged on bail in the cases registered him, which have explained in the bail application, but it is necessary to point out that both the cases were registered under the Arms Act against the applicant and in this case also the applicant has been implicated under the Arms Act, therefore, it can be argued that the applicant has continuously committed similar offence.

5. Considering the facts and circumstances of the case, particularly the fact that the applicant was caught red handed on the spot and numbers of fire arms were recovered from his possession and the criminal history of the applicant which shows that he has continuously committed similar offence, this Court is not inclined to grant him bail at this stage. This Court is not satisfied that there are reasonable grounds for believing that he is not guilty of such offence and he would not commit any offence while on bail.

6. Accordingly, the bail application is **rejected** at this stage.

Order Date :- 1.12.2023
Shahroz