

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50512 of 2023

Applicant :- Vedpal Singh @ Vedu

Opposite Party :- State of U.P.

Counsel for Applicant :- Shweta Singh, Rakesh Kumar Maurya

Counsel for Opposite Party :- G.A., Vineet Vikram

Hon'ble Dr. Gautam Chowdhary, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State as well as Shri Imran Ullah, assisted by Shri Vineet Vikram Singh, the learned counsel for the informant and perused the record.

2. By means of the instant bail application, the applicant has sought for his enlargement on bail in Case Crime No. 287 of 2023, under Sections 147, 302, 307, 427 I.P.C., Police Station Gabhana, District Aligarh.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the present case. Learned counsel further submits that applicant is not named in the F.I.R. There is allegation in the F.I.R. against Pankaj and Chandraveer that they along with 6-7 persons made firing indiscriminately on account of which brother of informant sustained grievous injuries and died. Learned counsel for the applicant further submits that general allegations of firing has been made against all the accused persons including the applicant and no specific allegation has been made against the applicant. Learned counsel for the applicant further submits in the postmortem of the deceased five injuries were found on his person, out of which two were firearm injuries. Learned counsel for the applicant further submits during investigation the Investigating Officer recorded statements of informant and one witness, namely, Sunil Kumar, in which they have repeated the same version of the F.I.R. One other witness, Rahul Kumar in his statement has not taken name of the applicant. The Investigating Officer arrested the named co-accused, Pankaj, who in his statement in which he stated that he shot fire upon the deceased but he has not named the applicant. Learned counsel for the applicant further submits that name of applicant came into light in the confessional statement of one co-accused, Harshit Rana, who was not named in the F.I.R. and he alleged that co-accused, Pankaj shot fire upon the deceased on account

of which he died. Learned counsel further submits that there is no any credible evidence against the applicant except the confessional statement of the co-accused. There is no recovery from the possession or pointing out of the applicant and he has falsely been implicated, therefore, he may be enlarged on bail. He next submits that applicant is languishing in jail since 19.08.2023, having no criminal history.

4. Per contra, learned counsel for the informant, however, vehemently opposed the prayer for bail by stating that learned counsel for the applicant has filed this bail application by concealing the fact that one eye witness, Rohit, who is brother-in-law of the deceased, in his statement has stated that applicant was also present at the time of incident and he also fired shots along with other accused persons, which is a part of case diary but the same has not been filed on behalf of the applicant in the present bail application. He further submits that one more eye witness, namely, Sanjeev Kumar, in his statement recorded before the police has also taken name of the applicant by stating that applicant and other accused persons fired shots indiscriminately, on account of which deceased sustained grievous injuries and died, this statement is also part of case diary but has not been filed on behalf of the applicant in the present bail application. Thus, it has been argued that there is active participation of applicant in the commission of offence along with other accused persons and the statements of aforesaid eye witnesses, Rohit and Sanjeev Kumar, though were part of case diary, have not been filed by concealing the facts to get anyhow bail.

5. Learned A.G.A. has also opposed the prayer for bail of the applicant and conceded the aforesaid submissions made by the learned counsel for the informant.

6. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case and considering that applicant has failed to show statements of aforesaid eye witnesses, without expressing any opinion on the merits of the case, no case for bail has been made out.

7. Accordingly, the bail application of applicant-**Vedpal Singh @ Vedu**, is **rejected**.

Order Date :- 4.12.2023
Mustaqeem.