

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1249 of 2023

Applicant :- Jasveer Singh

Opposite Party :- State Of U.P. Thru. Secy. Home Lko.

Counsel for Applicant :- Rishi Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rishi Kumar Pandey, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 261 of 2022, under Section 307, 392, 386, 504, 509, 411, 166, 414, 120-B I.P.C. and Section 67, 67A of Information Technology Act and Section 3/6 of Prohibition of indecent Representative of Women Act, registered at Police Station Singhai, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 08.09.2022 alleging that when the informant was returning home at about 04:00 pm on 17.04.2021, four persons riding two motorcycles abused the informant's son and snatched away Rs. 5,000/- kept in his pocket and when the informant objected, one of those persons fired a shot towards the informant but the bullet missed him. He alleged that his mobile and a sim card had also been robbed by the accused persons.
4. The police claimed to have arrested the applicant and one Rahees Khan during routine checking. The stolen mobile phone is said to have been recovered from co-accused Rahees Khan and a pistol and Rs. 350/- are said to have been recovered from the applicant. However, no independent person has witnessed the recovery. The applicant has been implicated solely on the basis of custodial statement of co-accused Rahees Khan.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and

he has no previous criminal history. After his implication in the present case, the applicant has been implicated in three more cases, in all of which the applicant has been granted bail.

6. The learned counsel for the applicant has stated that the applicant is languishing in jail since 11.09.2022 and even the charges have not been framed till date.

7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident is alleged to have occurred on 17.04.2021 whereas the F.I.R has been lodged on 08.09.2022 and there is no explanation for the delay in lodging of the F.I.R; that the applicant has been implicated in the present case solely on the basis of custodial statement of a co-accused person, coupled with the fact that the applicant is languishing in jail since 11.09.2022 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant- Jasveer Singh** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 30.11.2023
Preeti.

