

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13944 of 2023

Applicant :- Heera Singh

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

Counsel for Applicant :- Desh Deepak Singh, Sandeep Kumar Pal

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Learned A.G.A. informs that he has procured complete instruction in the matter including up-to-date case diary.
3. Heard learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.
4. This bail application has been moved on behalf of the applicant- **Heera Singh** for grant of bail, in Case Crime No. 194 of 2022, under Section 2/3 of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986 Police Station Mohanlalganj, District Lucknow, during pendency of trial.
5. Learned counsel for accused-applicant while pressing the bail application submits that the accused-applicant has been falsely implicated in the instant case as well as in the two cases mentioned in the gang chart. However, in the two cases mentioned in the gang chart, applicant has been released on bail by a co-ordinate Bench of this Court as well as by the trial court, copies of which has been placed at Annexure No.3 and 4 to the bail application.
6. It is further submitted that apart from the above-mentioned two cases, applicant is also having criminal history of two cases, however, in one of such cases, the applicant has been granted bail by the trial Court and the bail order with regard to that case has been placed at Page no.28 of the paper book and with regard to the second case, which was pertaining to Section 13 of the Gambling Act, he has confessed his guilt and has been punished with fine of Rs.100/- and an information and the order where by the applicant has been convicted and punished, has

been placed at Page No.7 of the supplementary affidavit filed today. Apart from the above mentioned criminal cases, applicant is not having any criminal antecedents.

7. It is next submitted that co-accused of the crime, namely, Ankur Pal, has already been granted bail by a co-ordinate Bench of this Court, vide order dated 22.08.2023 passed in Criminal Misc. Bail Application No. 10419 of 2023. Applicant is in jail in this matter since 21.12.2021 and there is no apprehension that, if the facility of bail is granted to the applicant, he may flee from the course of law or will not appear before the court below, as also the evidence/material available on record is not strong enough to raise a presumption that the applicant is guilty of the offences mentioned in the gang chart.

8. Learned A.G.A. opposes the prayer for bail, but could not confront the factual submissions made by the learned counsel for the accused-applicant.

9. Having heard learned counsel for the parties and having perused the record, it is transpired from the record that applicant is involved in the two cases mentioned in the gang chart. However, in the two cases mentioned in the gang chart, applicant has been released on bail by a co-ordinate Bench of this Court as well as by the trial court. Apart from the above-mentioned cases, applicant is also shown involved in two other cases and the same has been adequately explained. Identically placed co-accused person, namely, Ankur Pal, has also been granted bail by a co-ordinate Bench of this Court. Applicant is in jail in this matter since 21.12.2021 and the presence of the applicant may be secured before the trial court by placing adequate conditions.

10. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

11. Let the applicant- **Heera Singh** involved in above-mentioned case, be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

13. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

14. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression on the merits of the case.

Order Date :- 24.11.2023

Praveen