

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.1720 of 2024

Satnam Singh alias Kala Applicant

Versus

State of Uttarakhand Respondent

Present:-

Mr. Arvind Vashistha, Senior Advocate, assisted by Mr. Hemant Singh Mehra, Advocate for the applicant.
Mr. Amit Bhatt, Government Advocate for the State.
Mr. S.K. Mandal and Mr. Lalit Sharma, Advocates for the informant.

And

First Bail Application No.1564 of 2024

Harvinder Singh Applicant

Versus

State of Uttarakhand Respondent

Present:-

Mr. Harshit Sanwal, Advocate for the applicant.
Mr. Amit Bhatt, Government Advocate for the State.
Mr. S.K. Mandal and Mr. Lalit Sharma, Advocates for the informant.

Hon'ble Ravindra Maithani, J. (Oral)

Since both these bail applications arise from one and the same FIR, they are decided by this common order.

2. Applicants Satnam Singh alias Kala and Harvinder Singh are in judicial custody in FIR/Case Crime No. 83 of 2024, under Sections 302, 307, 120B, 34 IPC and the applicant Satnam Singh alias Kala is also in judicial custody under Section 3/25 of the Arms Act, 1959, Police Station Nanakmatta, District Udham Singh Nagar. They have sought their release on bail.

3. Heard learned counsel for the parties and perused the record.

4. Learned counsel for the applicants would submit that it is no evidence case.

5. Learned State counsel would submit that the co-accused Dilbagh Singh has confessed his guilt and the manner in which offence was committed in the presence of police and independent persons. It is also argued that the applicant have also confessed their guilt. In addition to it, it is also argued that co-accused Dilbagh Singh's wife Narender Kaur has also stated that various persons would visit their house.

6. Learned counsel for the informant would submit that as per call detail records the applicants were together with the other co-accused after the incident and they were also spotted in the CCTV footages.

7. The Court wanted to know from the learned State Counsel as well as learned counsel for the informant as to how the State proposes to prove the confessions of the applicants and confessions of the co-accused made before the police?

8. In answer to it, learned State counsel would submit that may be in future accused may be made

approver. But then, the further question would be as to whether the statement of the approver is enough to substantiate charges, unless it is corroborated in material particulars? What other material is there? Reference has been made to the statement of Narender Kaur. She has not spoken about any action done by the applicants. Reference has been made to the statement of Ranjeet Singh to argue that the community was against the deceased and various persons had been attending meetings as to how to remove him from the position, which he was holding. In any manner specific act of the applicant has not been assigned.

9. Having considered the entirety of facts, this Court is of the view that the applicants deserve to be enlarged on bail.

10. The bail applications are allowed.

11. Let the applicants be released on bail, on their executing a personal bond and furnishing two reliable sureties by each one of them, each of the like amount, to the satisfaction of the Court concerned. The applicants shall not leave the country without prior permission of the court. They shall deposit their passports in the court. If they do not have any passport, they shall give an undertaking to that effect to the court concerned.

(Ravindra Maithani, J)
19.12.2024

Jitendra