

Reserved on: 18.10.2024**Delivered on: 12.11.2024****Court No. - 33****(1) Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2848 of 2022****Applicant :- Vichitra Singh****Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.****Counsel for Applicant :-** Shashank Singh, Bal Keshwar
Srivastava, Dinesh Bahadur Singh, Izhar Husain Siddiqui, Ranjana
Srivastava, Shraddha Tripathi, Vijay Kumar, Vimal Kishore Srivastava**Counsel for Opposite Party :-** G.A., Manish Mani Sharma**AND****(2) Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6770 of 2022****Applicant :- Kamaljeet Singh****Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home Civil
Secrty. Lko**Counsel for Applicant :-** Sushil Kumar Singh, Avinash Chandra, Masood
Ali**Counsel for Opposite Party :-** G.A., Manish Mani Sharma**AND****(3) Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7588 of 2022****Applicant :- Gurupreet Singh****Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home**Counsel for Applicant :-** Sushil Kumar Singh, Bal Keshwar
Srivastava, Dinesh Bahadur Singh, Masood Ali, Rakesh Kumar, Vivek
Tiwari**Counsel for Opposite Party :-** G.A., Manish Mani Sharma**AND****(4) Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8197 of 2022****Applicant :- Guruvinder Singh S/O Sri Gurmej Singh****Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home Lko.**Counsel for Applicant :-** Vivek Tiwari, Bal Keshwar Srivastava, Masood
Ali, Sushil Kumar Singh**Counsel for Opposite Party :-** G.A., Manish Mani Sharma**Hon'ble Krishan Pahal, J.**

1. The case has been heard through Video Conferencing from Allahabad.

2. Heard Sri Bal Keshwar Srivastava (in Bail Nos.2848/2022 & 8197/2022), Sri Avinash Chandra (in Bail No.6770/2022), Sri Rakesh Kumar (in Bail No.7588/2022), learned counsel for the applicants and Sri Manish Mani Sharma, learned counsel for the informant as well as Ms. Parul Kant, learned A.G.A. for the State and perused the record.
3. Applicant- Vichitra Singh went to jail on 26.10.2021 in Case Crime No.0220 of 2021, under Sections 109, 114, 427, 436, 504 IPC, Police Station- Tikonia, District- Lakhimpur Kheri.
4. Applicant- Kamaljeet Singh went to jail on 1.1.2022 in Case Crime No.0220 of 2021, under Sections 143, 147, 148, 149, 323, 325, 427, 436, 504, 302 IPC, Police Station- Tikunia, District- Lakhimpur Kheri.
5. Applicant- Gurupreet Singh went to jail on 2.1.2022 in Case Crime No.0220 of 2021, under Sections 143, 147, 148, 149, 323, 325, 427, 436, 504, 302 IPC, Police Station- Tikunia, District- Lakhimpur Kheri.
6. Applicant- Guruvinder Singh S/O Sri Gurmej Singh went to jail on 26.10.2021 in Case Crime No.0220 of 2021, under Sections 143, 147, 148, 149, 323, 325, 427, 436, 504, 302 of IPC, Police Station- Tikunia, District- Lakhimpur Kheri.
7. Since all the aforesaid bail applications are relating to the same crime (FIR), therefore, they are being disposed of by a common order.
8. The applicants were granted interim bail by the Supreme Court vide order dated 25.01.2023 passed in SLP (Criminal) No.7857 of 2022. For ready reference, the relevant paragraphs of the said order are being reproduced hereunder:-

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4. FIR No. 219 of 2021 was registered by the Informant (Jagjeet Singh) against the Petitioner and his associates, alleging that they committed the criminal offense as a retaliation to the protests organised by the farmers on various issues which also included the adverse public comments made by Petitioner's father. It was specifically alleged that Petitioner and his co-accused intentionally ran over the farmers returning to their respective homes and killed four innocent farmers and a journalist. It was stated that the vehicle carrying the Petitioner fell into a ditch as it became uncontrollable due to high

speed. Consequently, the Petitioner is alleged to have run away from the spot by escaping to the nearby sugarcane fields under cover of open fire of weapons.

5. On the other hand, FIR No. 220 of 2021 was lodged by one Sumit Jaiswal, who is stated to be the Petitioner's aide and also the co-accused in FIR No. 219 of 2021. He has alleged that at the time of the incident, Petitioner and his associates were on their way to welcome the dignitaries for the wrestling competition when they encountered the protesting farmers on the spot. It is stated that the farmers stopped the vehicle in which the complainant was travelling and started assaulting the occupants. The complainant has further alleged that he somehow managed to escape the assailants' clutch while his other co-occupants continued to be assaulted. Three persons died at the spot as a result of the said assault.

6. Hence, for the same incident we are confronted with two completely different narratives which necessitates a full blown trial to scourge out the actual facts. Regardless, we must be cognizant that the unfortunate grave incident is reported to have led to the loss of eight lives, consisting of four protesting farmers, one journalist and the other three who were part of the Petitioner's convoy.

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17. We, thus, deem it appropriate to issue the following interim directions at this stage:

- i. The Petitioner is directed to be released on interim bail initially for a period of eight weeks subject to his furnishing bail bonds to the satisfaction of the Trial Court;
- ii. With a view to ward off any direct or indirect influence on the material witnesses who are yet to depose, the Petitioner is directed to leave the State of Uttar Pradesh within one week from the date of his release on interim bail;
- iii. The Petitioner shall not stay in the State of Uttar Pradesh or in NCT of Delhi during the period of interim bail;
- iv. The Petitioner shall disclose the place of his residence to the Trial Court as well as the jurisdictional police station where he would stay during the period of interim bail, within one week of his release. He shall mark his presence in the jurisdiction police station once in a week;
- v. The Petitioner shall surrender his passport with the Trial Court within one week of his release on interim bail; vi. The Petitioner shall not enter the State of Uttar Pradesh except to attend the trial proceedings;
- vii. Any attempt made by the Petitioner, his family or supporters to influence or threaten the witnesses, directly or indirectly, shall entail cancellation of the interim bail;
- viii. The prosecution, SIT, Informant or any family member of the victims of the crime will be at liberty to promptly inform this Court of any incident of misuse of the concession of the interim bail;
- ix. The Petitioner shall appear before the Trial Court on every date of hearing and no adjournment shall be sought on his behalf. If the

Petitioner is found involved in prolonging the trial, it shall be taken as a valid ground to cancel the interim bail.

18. As noticed earlier, there are two separate FIRs with different narratives but the place of occurrence and substratum of the incident are the same. The question as to who were the aggressors or responsible for the unfortunate ghastly incident would be ascertained only after a full fledged trial. As a necessary corollary we, in exercise of our suo moto constitutional powers, extend the benefit of interim liberty to the under trial accused involved in the other version also, namely, FIR No. 220 of 2021. Consequently, it is directed that the following four accused namely:

- 1. Guruwinder Singh, S/o. Gurmej Singh, R/o. Mukarimpur, Post Aliganj, PS Gola Dist., Kheri;*
- 2. Kamaljeet Singh; S/o. Iqbal Singh, R/o. Panchhi Farm Babaura, PS Palia Dist. Kheri;*
- 3. Gurupreet Singh; S/o. Kulwinder Singh, R/o. Vanshi Nagar, PS Palia, Dist. Kheri; and*
- 4. Vichitra Singh, s/o. Lakhwinder Singh, R/o. Gogaon, PS Bheeta, Dist. Kheri;*

who have been arrested and whose bail applications are now stated to be pending before the High Court of Judicature at Allahabad, are ordered to be released on interim bail till further orders, subject to their furnishing bail bonds to the satisfaction of the Trial Court.

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9. Learned counsel for the applicants has also informed that the said interim bail granted to the applicants have been made absolute by the Supreme Court vide order dated 22.07.2024. For ready reference, the relevant paragraph no.5 of the said order is being reproduced hereunder:-

“5. Similarly, the interim bail granted to Guruwinder Singh, S/o Gurmej Singh; Kamaljeet Singh, S/o Iqbal Singh, Gurupreet Singh, S/o Kulwinder Singh and Vichitra Singh, S/o Lakhwinder Singh, in FIR No.220 of 2021 is also made absolute.”

10. Learned counsel for the applicants has further stated that since the interim bail to the applicants has been made absolute by the Supreme Court itself, the instant bail applications are rendered infructuous.

11. In view of the above, the instant bail applications are ***dismissed as infructuous.***

Order Date: 12.11.2024

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(Justice Krishan Pahal)