

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 28th day of February, 2011

Second Bail Application No. 27 of 2011

Criminal Side

Pushkar Singh Mehta @ Pushkar Chowmin Wala

S/o Late Gopal Singh

R/o Vijaypur, Post Chakalua

P.S. Kaladhungi

District Nainital

.....Applicant (in Jail)

Versus

State of Uttarakhand

.....Opposite Party

Arising out from FIR no. 48 of 2009

Under Sections: 147, 148, 149, 307, 302, 396, 333, 353, 336, 412/34, 436, 427, 332, 120B IPC, Section 7 Criminal Law Amendment Act, and 3 Prevention of Damage to Public Property Act.

P.S. Kaladhungi, District Nainital

Hon'ble Prafulla C. Pant, J.

Shri Vishal Singh and Shri Prem Kaushal, Advocates,
present for the applicant.

Shri S.S. Adhikari, A.G.A., present for the State.

Applicant- Pushakar Singh Mehta @ Pushkar
Chowmin Wala, who is in jail in connection with FIR no. 48
of 2009, relating to offences punishable under section 147,
148, 149, 307, 302, 396, 333, 353, 336, 412/34, 436, 427, 332,

120B IPC, Section 7 Criminal Law Amendment Act, and 3 Prevention of Damage to Property Act, P.S. Kaladhungi, District Nainital, has sought his release on bail.

Heard learned counsel for the parties.

The first bail application was rejected by this Court on 06.04.2010. Since then more than ten months have passed. It is pleaded that the trial is still at the initial stage. It is a case of mob reaction to murder of one Balwant Singh Kanyal, Block Pramukh of the area. There are more than fifty accused. Now the applicant is in jail for last more than one year. No specific role is assigned to him. Also, co-accused Virendra @ Munna, with similar role, has been directed to be released on bail, after rejection of first bail application.

In view of the new ground mentioned above, this Court is of the view that applicant deserves bail.

The second bail application is allowed. Let the applicant Pushkar Singh Mehta @ Pushkar Chowmin Wala be released on bail on executing personal bond and furnishing two sureties, each of like amount to the satisfaction of Chief Judicial Magistrate, Nainital.

(Prafulla C. Pant, J.)

Dt. 28.02.2011

Parul