

BA1 No. 1745 of 2018

Hon'ble Sharad Kumar Sharma, J.

Mrs. Neetu Singh, Advocate for the applicant.

Mr. J.S. Virk, A.G.A. with Mr. Rakesh Kumar Joshi, Brief Holder for the State of Uttarakhand.

The applicant is in jail having been implicated in Case Crime No. 175 of 2018, which has been registered under Sections 307, 332, 504, 506 and 34 I.P.C. and under Section 4/21 Mines and Minerals (Development and Regulation) Act, 1957, Police Station Jhabreda, District Haridwar.

The allegation against the applicant is that he was involved in illegal mining and when he was stopped doing so, he along with other co-accused person attacked the policy party. Learned counsel for the applicant submits that co-accused Chander Shekhar @ Neetu has already been granted bail by Co-ordinate Bench of this Court on 11th September, 2018 in 1st Bail Application No. 1613 of 2018.

Perusal of the F.I.R. reveals that no offence under Section 307 I.P.C. is made out against the applicant as there is no allegation of any such injury on the complainant which is fatal in nature and having been inflicted by the applicant nor there is any injury report as such.

Considering the totality of the facts and circumstances of the case, let the accused/applicant be released on bail on his executing a personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of learned Magistrate / Court concerned.

Bail application stands allowed accordingly.

It is made clear that any observation made by this Court is only for the purpose of deciding the present bail application. It shall not be taken into consideration at all in any other proceedings.

(Sharad Kumar Sharma, J.)

Dated 28.09.2018
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