

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

First Bail Application No. 1641 of 2020

Vinod.

.....Applicant.

Vs.

State of Uttarakhand.

.....Opposite Party

Shri Sanjay Kumar, learned counsel for the applicant.

Shri J.S. Virk, learned deputy advocate general for the State of Uttarakhand.

28th November, 2020

Ravi Malimath, A.C.J.

The case of the prosecution is that the complainant lodged an FIR against the applicant on 29.06.2020 at 13.51 hours, which came to be registered as FIR no. 327 of 2020 for the offence punishable under section 307 IPC before the Police Station Kashipur, District Udham Singh Nagar. It is alleged in the FIR that mother Gurmej Kaur, father Paramjeet Singh and Mangat Singh, maternal uncle of the complainant were talking with each other while sitting in their field and looking after the workers. Suddenly, the accused reached there and took out a country made pistol from his bag and shot fire upon the father of the complainant, which hit on his chest. Thereafter, he ran away. On the basis of the complaint, the investigation was taken up. The accused was arrested and the gun was recovered, at the instance of the applicant. There are four eye witnesses including the injured eye witness.

2. Learned counsel for the applicant submits that no motive has been assigned by the prosecution for commission of crime.

3. The same is disputed by Shri J.S. Virk, learned deputy advocate general appearing on behalf of the State.

4. On hearing learned counsels, I do not find any merit in this bail application. For the purpose of bail, motive is irrelevant when there are eye witnesses. In the present case, there are four eye witnesses. The injured himself is the eye witness in the case, who had suffered from a gunshot injury. The gun has been recovered, at the instance of the applicant. Therefore, substantial material exists against the applicant.

5. Hence, for all these reasons, I do not find any ground to enlarge the applicant on bail. Consequently, the bail application is dismissed.

(Ravi Malimath)
A.C.J.