

Mr. Sandeep Kothari, Advocate, for the applicant.

Mr. G.S. Sandhu, Government Advocate, assisted by Mr. J.S. Virk, AGA for the State.

Urgency application (IA 4655 of 2020) is allowed.

Heard on the bail application.

Having been implicated in Case Crime No. 72/2019, under Section 302 IPC, PS Rajpur, District Dehradun, the applicant is in jail.

Learned Counsel for the applicant would contend that the applicant is not named in the FIR; he has been falsely implicated on the basis of the confessional statement of the co-accused; applicant himself was the complainant in the present case; no recovery has been made from the possession of the accused applicant; there is no evidence with regard to the transaction of money or telephonic conversation with Arpit Tyagi; there is no direct evidence against the present applicant; co-accused has been granted bail and the present accused applicant is also entitled for bail on the ground of parity; trial is yet to commence; applicant has no previous criminal history and he is in jail since 10.5.2019.

Learned State Counsel would oppose the bail application and submit that the offence is very serious. However, he would admit that there is no direct evidence against the applicant and he has no previous criminal history as well.

Having considered the overall facts and circumstances of the case and without any comment on the final merits of the case, the Court is of the opinion that the applicant deserves bail. Hence, the bail application is allowed.

Let the applicant be released from jail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of Magistrate/Court concerned.

**(N.S. Dhanik, J.)**  
**30.4.2020**

Prabodh