

**BAI No.2680 of 2019**

**Hon'ble R.C. Khulbe, J.**

Mr. Tapan Singh, learned Counsel for the applicant.

Ms. Manisha Rana Singh, learned A.G.A. for the State of Uttarakhand.

Applicant- Arif has sought his release on bail in connection with Case Crime/FIR No.29 of 2019, u/s 323, 325, 307, 452, 504, 506 of IPC, registered at P.S. Pathri, District Haridwar.

It is argued that the applicant has been falsely implicated in the crime and no offence is made out against him; apart from that as per the FIR it was accidental case; the State counsel has already filed counter affidavit, in which medical report of injured Parvesh has already been annexed; as per the medical report, the injury is simple in nature; there was no intention to attempt the murder; there is no criminal history against him; he is languishing in jail since 26.11.2019; he is only bread earner of the family and is ready to furnish the sureties; charge-sheet has already been submitted, there is no chance for tempering the evidence.

Per contra, learned counsel for the State although opposed the bail but admitted that as per the injury report, the injury is simple in nature and there is no criminal history against the present accused.

Without making any comments as to the final merits of the case, I am of the view that the applicant deserves bail at this stage.

The bail application is, accordingly, allowed. Let the applicant be enlarged on bail on executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court/Magistrate concerned.

All pending applications, if any, stand disposed of accordingly.

It is clarified that the observations made above shall not have any bearing on the final merits of the trial.

**(R.C. Khulbe, J.)**  
**29.04.2020**

Balwant