

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

First Bail Application No. 2712 of 2019

Kulvinder Singh ...Applicant

Vs.

State of Uttarakhand ...Respondent

Shri Lalit Sharma, learned counsel for the applicant.

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

28th November, 2020

Hon'ble Ravi Malimath, A.C.J.

The case of the prosecution is that on 15.05.2019, a complaint was lodged by the complainant Gurdeep Singh at Police Station Sitarganj, District Udham Singh Nagar stating that his elder brother, namely, Ratan Singh had left home at 05:00 PM on 14.05.2019 in order to go to SIDCUL Sitarganj, but he did not return. At about 07:00 PM, the son of the complainant received a call on his mobile from the phone of the deceased, by which he was informed that he is with Kulvinder at Shakti Farm and he is not going to SIDCUL for work. It is further stated that the complainant's brother did not return home in the evening on 14.05.2019. On 15.5.2019 at about 07:30 PM, some unidentified persons came to the house of the deceased and told his wife to go to the Government hospital where the dead body of Ratan Singh is lying. Thereafter, she along with her sons reached the hospital where they found the dead body of Ratan Singh. Thereafter, postmortem was conducted. As per the post-mortem report, injuries were found on the deceased, which were ante-mortem. On the basis of these allegations, a FIR was lodged against the accused for the offences punishable under

Sections 302, 201, 120-B, 34 of the IPC, at Police Station Sitarganj, District Udham Singh Nagar. The applicant moved an application for bail before the Sessions Judge, Udham Singh Nagar, which was rejected on 20.08.2019. Hence, this application.

2. Shri Lalit Sharma, learned counsel for the applicant, contends that there is no material to implicate the accused; and the entire case of the prosecution is based on circumstantial evidence. The same is disputed by Shri J.S. Virk, learned deputy advocate general for the State of Uttarakhand.

3. On hearing learned counsels, I do not find any merit in this application. The case of the prosecution is that the applicant (accused) was having illicit relations with the wife of the deceased; there are phone call details to evidence the same; the son of the deceased has also made a statement with regard to the same; and there are also recoveries of the blood-stained rod pieces, which were used in the commission of the offence. Hence, all these material would clearly indicate that the prosecution has substantial material against the applicant. Therefore, it cannot be said that there is no material against the applicant.

4. In view of the prosecution having a *prima facie* case against the applicant and in view of the available material, I do not find it to be a fit case, where bail should be granted. Hence, the bail application is dismissed.

(Ravi Malimath)
A.C.J.