

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

FIRST BAIL APPLICATION NO. 91 of 2021

26TH FEBRUARY, 2021

Between:

Jagga Singh. ...Applicant

and

State of Uttarakhand. ...Respondent

Counsel for the Applicant : Mr. Sanjay Kumar.

Counsel for the respondent : Mr. P.S. Uniyal, learned
Brief Holder for the State.

Hon'ble Alok Kumar Verma, J

This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with FIR No.0038 of 2020, registered with Police Station Kunda, District Udham Singh Nagar for the offence punishable under Sections 409, 420, 466, 467, 468, 471 and 120B of the I.P.C.

2. According to the FIR dated 11.03.2020, in the scholarship scam, in compliance with the order passed by this High Court in Writ Petition No.33 of 2019, Inspector Bhim Bhaskar, Informant, was appointed as a member of

the Special Investigation Team (SIT). After enquiry, the informant lodged an FIR against the present applicant along with the co-accused persons.

3. Heard learned counsel for the parties.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated; the applicant is not beneficiary; his role is shown as middleman; he has not misappropriated any amount of the said scholarship; he is a resident of District Udham Singh Nagar; he is in custody since 20.12.2020.

5. No counter affidavit has been filed by the State despite obtaining sufficient time, however, learned Brief Holder appearing for the State opposed the bail application orally.

6. Bail is the rule and the committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the investigation is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of the learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt: 26th February, 2021
JKJ/Neha