

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 49869 of 2020

**Applicant :-** Baljeet Singh

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Shobhit Saxena, Om Narayan Pandey

**Counsel for Opposite Party :-** G.A.

**Hon'ble Saumitra Dayal Singh, J.**

1. Heard Shri Om Narayan Pandey, learned counsel for the applicant, learned AGA for the State and also perused the material placed on record.

2. The instant bail application has been filed on behalf of the applicant - **Baljeet Singh**, with a prayer to release him on bail in **Case Crime No. 652 of 2019, under Section 302 IPC, Police Station - Kant, District - Shahjahanpur**, during pendency of trial.

3. Having heard learned counsel for the parties, at present:

(i) the applicant is accused of offence under Section 302 IPC;

(ii) against FIR lodged on 06.10.2019, the applicant is in confinement since 15.09.2020;

(iii) though, the applicant claims to have cooperated in the investigation, however, it is a fact that his arrest took place almost a year after the incident;

(iv) charge sheet has been submitted, however, trial will take some time;

(vi) on prima facie basis, it has been submitted by learned counsel for the applicant that the FIR allegations are plainly false. The deceased had purchased about 15 insurance policies and that he committed suicide. The informant has alleged the occurrence of murder only to receive the terminal benefit of such insurance policies. He has relied on panchayatnama as also the post-mortem report and the ballistic report to submit that the occurrence was suicidal, the deceased having shot himself from point blank range. He has further submitted that the CDR of his mobile phone revealed that the applicant was not present at the place and time of occurrence. Referring to the post-mortem report, he states that there is no evidence of any violence practiced on the deceased. After nine months, the applicant was falsely implicated.

(vii) the bail application has vehemently opposed by learned

AGA. It is submitted that the FIR clearly alleges that the applicant and his co-accused had picked up the deceased from his residence on the date of the incident. They shot him and left his body at a place near their own farm land. The FIR allegations are supported by evidence of last seen collected during the investigation. At present, there is no room to entertain or accept the defence plea being set by the applicant.

4. Having heard learned counsel for the parties and having perused the record, it transpires that present is a case of circumstantial evidence. The allegation of last seen made in the FIR appears to be supported by the case diary material. The FIR itself was promptly lodged and even otherwise, at present, there is no material as may commend to this Court to enlarge the applicant on bail. Keeping in mind the heinous nature of the offence and the direct role assignment made against the applicant, no case is made out for grant of bail to the applicant. The application is **rejected**.

5. However, rejection of the bail to the applicant may not indefinitely detain him in confinement. Therefore, it is expected that the trial court may make all attempts for expeditious conclusion of the trial keeping in mind the present circumstances.

**Order Date :- 30.4.2021**

AHA