

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 443 of 2022

SunnyApplicant

Versus

State of UttarakhandRespondent

Present:-

Mr. Rajveer Singh, Advocate for the applicant.

Mr. Subhash Tyagi Bhardwaj, Deputy Advocate General with Ms. Shivani Gangwar, Brief Holder for the State.

Mr. Arvind Vashistha, Senior Advocate assisted by Mr. Vivek Pathak, Advocate for the informant.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Sunny is in judicial custody in FIR No.692 of 2021, under Sections 302, 120-B IPC, Police Station Kotwali Manglaur, District Haridwar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the applicant would submit that there is no evidence against the applicant and it is a case fit for bail.

4. According to the FIR, on 29.06.2021, Vipin and one more person fired on deceased Ajay, due to which, he died. Witnesses Mahadev, Binder, Narayan and Sandeep

Singh were examined by the Investigating Officer, their statements recorded by the Investigating Officer have been enclosed in the counter affidavit filed by the State. But, none of them has spoken even a single word about the applicant. According to the witnesses, the fire was shot by the Vipin and Abhishek.

5. The Court wanted to know from the learned State counsel, as to how, the applicant was even remanded to the judicial custody? He would submit that there is a role of conspiracy.

6. The Court wanted to know from the statements enclosed in the counter affidavit, as to where is the role of the applicant even as conspirator? Learned State counsel is not in a position to indicate any of such statements.

7. Learned Senior Counsel appearing for the informant would submit that the co-accused Abhishek named the victim as a conspirator but, even he could not indicate, as to how it has been verified by the Investigating Officer?

8. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

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

(Ravindra Maithani, J.)
29.04.2022

Sanjay