

(2021) 01 UK CK 0066

In the Uttarakhand High Court

Case No : First Bail Application No. 1148 Of 2020

Anil Kumar

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 14-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Arms Act, 1959 — Section 27, 30
Constitution Of India, 1950 — Article 21

Citation : (2021) 01 UK CK 0066

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Lalit Sharma, Deepak Bisht

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with Case

Crime No.153 of 2020, registered with Police Station Sitarganj, District Udham Singh Nagar for the offence punishable under Sections 27 and 30 of

the Arms Act.

2. The applicant-accused has been granted bail in the main offence in FIR No.149 of 2020 Police Station Sitarganj, District Udham Singh Nagar.

3. Heard Mr. Lalit Sharma, learned counsel for the applicant and Mr. Deepak Bisht, learned Brief Holder for the State.

4. Learned counsel for the applicant has submitted that no offence under Sections 27 and 30 are made out.

5. Learned counsel appearing for the state has opposed the bail application

however, he submitted that charge sheet has already been filed and the applicant has bailed out in the main offence.

6. Bail is the rule and committal to jail is an exception. Refusal of the bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. Personal liberty is very precious fundamental right and it should be curtailed only when it becomes imperative according to the facts and circumstances of the case.

7. Considering the facts and circumstances of the case, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves to be released on bail on his executing a personal bond and two reliable sureties, each in the like amount to the satisfaction of the court concerned.

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.