
(2023) 12 UK CK 0135

In the Uttarakhand High Court

Case No : First Bail Application No. 2688 Of 2023

Deepak And Others

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 19-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 323, 504, 506

Citation : (2023) 12 UK CK 0135

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Gaurav Singh, Manisha Rana Singh

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Applicants Deepak, Avneesh, Sandeep and Pradeep are in judicial custody in FIR No.323 of 2023, under Sections 307, 323, 504, 506 and 34 IPC, Police Station- Kotwali Laksar, District- Haridwar. They have sought their release on bail.
2. Heard learned counsel for the parties and perused the record.
3. According to the FIR, on 13.04.2023, at 2:00 PM, due to previous enmity, the applicants did marpeet with the informant, abused him and threatened him to life. Thereafter, they threw him in the boiling sugarcane juice, due to which, he sustained burn injuries.
4. Learned counsel for the applicants would submit that the informant has not supported the prosecution case at trial; he has been declared hostile.
5. These facts are admitted by learned State Counsel.
6. Having considered, this Court is of the view that it is a case fit for bail and the applicants deserve to be enlarged on bail.
7. The bail application is allowed.

8. Let the applicants be released on bail, on their executing a personal bond and furnishing two reliable sureties, each of the like amount, by each one of them, to the satisfaction of the court concerned.

9. In this case, PW1, Rashid is the informant. He has totally denied the averments of the FIR. There are two situations now. Either PW1, Rashid, has given false FIR or he has given false evidence before the court. These matters should always not be spared. The Court requests the trial court to consider this aspect and if the court considers it expedient in the interest of justice, the court may proceed against PW1, Rashid, for either giving false evidence before the court or for lodging false FIR.