

(2023) 08 UK CK 0090

In the Uttarakhand High Court

Case No : First Bail Application No. 1999 Of 2022

Kuldeep

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 14-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 420, 465, 467, 468, 471
Constitution Of India, 1950 — Article 21

Citation : (2023) 08 UK CK 0090

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Rajendra Singh Azad, Bilal Ahmed, V.S. Rathore

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with the Case Crime No.771 of 2021, registered at police station Bhagwanpur, District Haridwar. Applicant is in judicial custody under Sections 420, 465, 467, 468 and Section 471 of the Indian Penal Code, 1860.

2. As per FIR dated 13.11.2021, a Civil Case is pending between the present applicant and one Neelam in relation to Chak No.332. Informant is a Revenue Sub-Inspector. Applicant had filed an application to enquire about the said Chak No.332. Applicant prepared a forged report in his favour showing that the said report was prepared by the informant. Applicant filed the said forged report before the Sub-Divisional Magistrate, Bhagwanpur on 30.10.2021. The said report has neither the signature of the informant nor his stamp on it. During the investigation, the Investigating Officer obtained the document for examination of the handwriting of the applicant and sent it to the Forensic Science Laboratory along with the document in question. After completion of the investigation,

charge-sheet has been filed.

3. Mr. Rajendra Singh Azad, Advocate, contended that all the allegations regarding the forged document are false. The report of handwriting expert is not conclusive at this stage, it is only opinion. The alleged forged report was not prepared by the applicant. Applicant is in judicial custody since 24.05.2022. Charge-sheet was filed on 18.08.2022. However, charge has not been framed yet. Applicant has no criminal history. He is a permanent resident of District Haridwar, therefore, there is no chance of his absconding.

4. On the other hand, Mr. V.S. Rathore, A.G.A., opposed the Bail Application.

5. Bail is the rule and 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 trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

6. Having considered the submissions of 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 merit of the case, this Court is of the view that the applicant deserves bail at this stage.

7. The Bail Application is allowed.

8. Let the applicant- Kuldeep 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 with the following conditions :-

- i) Applicant shall attend the trial court regularly and he will not seek any unnecessary adjournment;
- ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

9. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, Prosecution will be free to move the court for cancellation of bail.