
(2024) 05 UK CK 0107

In the Uttarakhand High Court

Case No : First Bail Application No. 2599 Of 2023

Prabhjot Singh Alias Prabhjeet Singh Alias Pannu	APPELLANT
Vs	
State Of Uttarakhand	RESPONDENT

Date of Decision : 21-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 302
Constitution Of India, 1950 — Article 21

Citation : (2024) 05 UK CK 0107

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : S.R.S. Gill, Rakesh Negi, Arvind Vashistha, Amanjot Singh Chaddha

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. The present Application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for regular bail in connection with the First Information Report No. 631 of 2022, registered at police station Kashipur, District Udham Singh Nagar.
2. The applicant is in judicial custody under Section 302 and Section 120B of the Indian Penal Code, 1860.
3. The case of the prosecution is that the informant's uncle Mahal Singh was reading a newspaper at his house on 13.10.2022. Two unknown persons came on a motorcycle at around 8:30 a.m. and fired, due to which, Mahal Singh died on the spot. 6-7 days before this incident, Mahal Singh received a phone call from Harjeet Singh, the co-accused, from Canada. He was demanding money from Mahal Singh. Harjeet Singh had threatened to kill him for not giving money. First Information Report was registered on 13.10.2022 at 23:09 hrs against Harjeet Singh.

4. Charge-sheet has been filed by the Investigating Officer against the present applicant and co-accused before the concerned court.

5. Heard Mr. S.R.S. Gill, learned counsel for the applicant, Mr. Rakesh Negi, learned Brief Holder for the State and Mr. Arvind Vashistha, learned Senior Advocate assisted by Mr. Amanjot Singh Chaddha, learned counsel for the victim/informant.

6. Opposing the Bail Application, Mr. Rakesh Negi, learned Brief Holder for the State and Mr. Arvind Vashistha, learned Senior Advocate for the victim/informant contended that the present applicant had gone to the shop of the prosecution witness-Jarnail Singh, who runs a second hand motorcycle dealership, on 12.10.2022 at about 7 p.m. and after paying Rs. 15,000/-, took a Honda Shine motorcycle with him. The registration number of the said motorcycle is UK06K4963, whose registered owner is Shankar Singh. Applicant had provided the said motorcycle to the shooters, the co-accused, who carried out the incident using the said motorcycle. The police of Rajabpur police station of District Amroha (U.P.) had found the said motorcycle in abandoned condition on 15.10.2022. The said motorcycle was seized in the present case on 29.12.2022. The said motorcycle was identified by Mahendra Kashyap, who was working at Jarnail Singh's shop and delivered the vehicle to the present applicant, and, the report of Forensic Science Laboratory has also supported the case of the prosecution.

7. On the other hand, Mr. S.R.S. Gill, Advocate, contended that the applicant has been falsely implicated in the present matter. He had given Rs. 15,000/- in advance to purchase a motorcycle from the shop of Jarnail Singh. The registration number of the said motorcycle is not UK06K4963 but its number is UK18K4963. After he paid the remaining Rs. 2,000/-, Jarnail Singh handed over the said motorcycle on 16.10.2022, whereas the alleged incident was occurred on 13.10.2022. The said motorcycle was not recovered from the possession of the applicant. The alleged recovered motorcycle has neither a chassis number nor an engine number. Shankar Singh, the registered owner of UK06K4963, was not examined during the course of the investigation to identify the recovered motorcycle. The copy of CCTV footage has not been filed.

8. Mr. S.R.S. Gill, Advocate, further contended that the applicant is not a previous convict. He is in judicial custody since 18.10.2022. He is a permanent resident of District Udham Singh Nagar, therefore, there is no likelihood of his absconding. Three co-accused persons have already been granted bail by this Court, and, the charge-sheet has been filed, therefore, there is no possibility of tampering with the evidence.

9. 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 in detention during the trial is not punishment. The main purpose is manifestly to secure the

attendance of the accused.

10. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found 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.

11. The Bail Application is allowed.

12. Let the applicant – Prabhjot Singh alias Prabhjeet Singh alias Pannu 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 on the following conditions:-

i) Applicant shall attend the Trial Court regularly and he shall 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.

(iii) Applicant shall not leave the country without the previous permission of the Trial Court.

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