
(2023) 01 UK CK 0029

In the Uttarakhand High Court

Case No : Criminal Appeal No. 13 Of 2023

Savez And Four Others

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 07-01-2023

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 324

Citation : (2023) 01 UK CK 0029

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Vivek Shukla, T.C. Agarwal

Judgement

Alok Kumar Verma, J

1. The present Appeal has been filed against the judgement dated 23.12.2022/ 02.01.2023, passed by the learned District and Sessions Judge, Haridwar, by which, the appellants, namely, Savez, Washeem and Guddu have been convicted for the offence punishable under Sections 147, 148, 323 read with Section 149 IPC, Section 324 IPC read with Section 149 IPC and Section 307 IPC read with Section 149 IPC in Sessions Trial No.189 of 2016, and, the appellants, namely, Imran and Farman have been convicted for the offence punishable under Sections 147, 148, 323 read with Section 149 IPC, Section 324 IPC read with Section 149 IPC, and, Section 307 IPC read with Section 149 IPC in Special Session Trial No.08 of 2016.

2. All the appellants have been sentenced to undergo rigorous imprisonment for a period of six months for the offence punishable under Section 147 IPC, they have been sentenced to undergo rigorous imprisonment for a period of one year for the offence punishable under Section 148 IPC, they have been sentenced to undergo rigorous imprisonment for a period of six months for the offence punishable under Section 323 IPC read with Section 149 IPC, they have been sentenced to undergo rigorous imprisonment for a period of one year for the

offence punishable under Section 324 IPC read with Section 149 IPC, and, they have been sentenced to undergo rigorous imprisonment for a period of four years along with a fine of Rs.10,000/- each for the offence punishable under Section 307 IPC read with Section 149 IPC, and, in default of payment of fine the appellants have been further directed to undergo simple imprisonment for a period of three months. All the sentences have been directed to run concurrently.

3. Heard Mr. Vivek Shukla, learned counsel for the appellants and Mr. T.C. Agarwal, learned Deputy Advocate General for the State.

4. This Criminal Appeal is admitted.

5. Heard on Bail Application.

6. Learned counsel for the appellants submitted that there are material contradictions in the statements of the prosecution's witnesses, therefore, there are substantial doubt regarding the conviction; the appellants were on bail during the trial and the conditions of the bail were neither misused nor violated by them, and, they are permanent resident of District Haridwar.

7. Learned counsel for the State opposed the bail application. However, he fairly conceded that the appellants were on bail during the trial and the conditions of the bail were neither misused nor violated by them.

8. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the appellants, namely, Savez, Washeem, Guddu, Imran and Farman provided they submit their personal bonds and two reliable sureties each in the like amount to the satisfaction of the court concerned.

9. Bail Application (IA No.1 of 2023) stands disposed of accordingly.

10. List this case on 12.05.2023.