

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

FIRST BAIL APPLICATION NO. 2091 of 2020

8th JUNE, 2021

Between:

Rajan Singh. ...Applicant

and

State of Uttarakhand. ...Respondent

Counsel for the Applicant : Mr. Mani Kumar.

Counsel for the Respondent : Mr. Sachin Panwar, learned
Brief Holder for the State.

Hon'ble Alok Kumar Verma,J.

This Bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with FIR No. 637 of 2019, registered with Police Station Rudrapur, District Udhampur for the offence under Sections 380, 411, 420, 454, 467, 468 and 471 of IPC.

2. On 06.12.2019, the informant Indrajeet Singh lodged an FIR stating therein that he along with his wife went to the District Hospital at about 12:45 hrs on 05.12.2019. He returned at around 02:00 pm and found that the lock of the main gate of his house was broken and jewelries, LED TV, mobile, pass-book, pass-port,

educational certificates and clothes were stolen. The FIR was lodged against unknown person. On 24.07.2020, the applicant was arrested with a white Brizza vehicle bearing registration no.UK17J7814. During interrogation, the original number of the said vehicle was inquired. It was found that the original number of that vehicle was DL3CCQ6156. At the instance of the applicant, four Aadhar cards and eight silver coins were recovered.

3. Heard Mr. Mani Kumar, the learned counsel for the applicant and Mr. Sachin Panwar, the learned Brief Holder for the State through video conferencing.

4. Mr. Mani Kumar, the learned counsel for the applicant submitted that the applicant has been falsely implicated; he has not been arrested at the spot; there was no independent witness of the alleged recovery; the First Information Report did not mention that silver coins and Aadhar cards were also stolen; the applicant has not been convicted in any criminal case; he is in custody since 24.07.2020; he has not committed any forgery and he has not used any fraudulent document as genuine; charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

5. The learned counsel appearing for the State opposed the bail application, however, he fairly conceded that the applicant has not been convicted in any criminal case.

6. 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.

7. 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 merits of the case, this Court is of the view that the applicant deserves bail at this stage.

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 with the following conditions :-

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

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

ALOK KUMAR VERMA, J.