

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14314 of 2024

Applicant :- Puneet Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Binod Kumar Mishra,Raghuvansh Misra

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Raghuvansh Misra, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 41 of 2024 under Sections 420, 467, 468, 471, 34, I.P.C. and Section 66-D, Act, Police Station Manjhanpur, District Kaushambi, during pendency of the trial in the court below.

3. FIR of the present case was lodged against applicant and two others and according to FIR, on receiving information, when police apprehended the applicant and others then from their possession Rs. two lacs, one forged I.D. card of police and from the mobile phone of applicant certain illegal documents were recovered. It is further mentioned in the F.I.R. that applicant along with other co-accused persons intended to use electronic equipments illegally in different examinations.

4. Learned counsel for the applicant submitted that entire allegation made against applicant is totally false and from perusal of F.I.R., it appears that only allegation against the applicant is that he tried to allure innocent people to appear in the examination by

using illegal means.

5. He further submitted that however, as per allegation, from the possession of applicant Rs. two lacs was recovered but alleged recovered Rs. two lacs belong to the applicant as applicant is having business transaction with one Rajesh Kumar Singh, Proprietor of Yashasvi Prabha Enterprises. He further submitted that even merely by recovery of Rs. two lacs, it cannot be said that applicant indulged in commission of alleged offence.

6. He further submitted that applicant is not having any criminal history and in the present matter he is in jail since 15.02.2024.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on fact advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, as per F.I.R. after receiving information police arrested the applicant and others, and from their possession certain documents and money were recovered and from the possession of applicant, as per allegation, Rs. two lacs were recovered but this Court finds force in the argument advanced by learned counsel for the applicant that merely on the basis of recovery of Rs. two lacs from the possession of applicant, it cannot be said that applicant indulged in commission of alleged offence. Further recovery of Rs. two lacs has been explained in the instant bail application and according to the applicant, this money belongs to him and he used to do trade with proprietor of one enterprise. Further even from perusal of F.I.R., it reflects that applicant and other co-accused

intended to appear in the examination by impersonating some other persons and, therefore, they only an attempt to commit alleged crime.

10. Further, applicant is not having any criminal history and he is in jail since 15.02.2024.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

13. Let the applicant- Puneet Singh be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 23.4.2024
Shiraz