

(2020) 09 UK CK 0002

Uttarakhand High Court

Case No: First Bail Application No. 1042 Of 2020

Ranjeet Singh

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Sept. 1, 2020

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 120B, 409, 420, 466, 467, 468, 471
- Constitution Of India, 1950 - Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Mukesh Rawat, S.S. Adhikari, P.S. Uniyal

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. 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.

314 of 2019, registered with Police Station Bazpur, District Udhampur for the offences punishable under Sections 409, 420, 466, 467, 468,

471 and 120-B of the I.P.C.

2. According to the FIR dated 26.09.2019, in the scholarship scam, in compliance with the order dated 05.07.2019 of this High Court, passed in Writ

Petition (PIL) No. 33 of 2019, Govind Ballabh Joshi, Inspector, was appointed as a member of the Special Investigation Team. After enquiry, the

informant lodged an FIR against the present applicant, a middleman along with six other co-accused persons, middlemen, regarding embezzlement of

the government fund.

3. Heard Mr. Mukesh Rawat, the learned counsel for the applicant and Mr. S.S. Adhikari, the learned Deputy Advocate General assisted by Mr. P.S.

Uniyal, the learned Brief Holder for the State through video conferencing.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated; he is a truck driver and bread earner of his family; he

was also a victim/student; one Mahesh Kumar, who is a co-accused in the present case, took the certificates of the present applicant for providing

computer course degree; applicant has not forged any document; he is not beneficiary; he has not received any scholarship amount; he is in custody

since 26.02.2020; he has no criminal history; the charge sheet has already been submitted, therefore, there is no chance of tampering with the

evidence.

5. The learned Deputy Advocate General for the State opposed the bail application. However, the learned counsel appearing for the State submits that

it is not clear at this stage whether any of the scholarship amount was received by the applicant and if it was received, how much was received. He

fairly concedes that the applicant has no criminal history.

6. Bail is the rule and the 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.