

Navjot Singh Vs State Of Uttarakhand And Another

Court: Uttarakhand High Court

Date of Decision: Nov. 2, 2023

Acts Referred: Code Of Criminal Procedure, 1973 " Section 438

Indian Penal Code, 1860 " Section 147, 148, 307, 323

Constitution Of India, 1950 " Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Lalit Sharma, M.A. Khan, Rakesh Negi

Final Decision: Disposed Of

Judgement

Alok Kumar Verma, J

1. Apprehending his arrest, applicant-accused Navjot Singh had filed an Application for Anticipatory bail before the Court of Session, Dehradun. The

said Application has been dismissed vide order dated 16.01.2023. Present Application has been filed under Section 438 of the Code of Criminal

Procedure, 1973 for grant of Anticipatory Bail under Sections 307, 323, 147 and Section 148 of the Indian Penal Code, 1860 in connection with the

Case Crime No.717 of 2022 (Criminal Case No.417 of 2023), registered at police station Patel Nagar, District Dehradun.

2. As per the First Information Report dated 15.11.2022, on 14.11.2022, the present applicant and co-accused persons opened fire on the informant,

Anuj and his friends.

3. Admittedly, the said fire did not hit anyone.

4. Mr. Lalit Sharma, Advocate, submits that the applicant has been falsely implicated in the present matter. He did not open fire. He has no criminal

history. He is a permanent resident of District Bijnor (Uttar Pradesh), therefore, there is no possibility of his absconding. Charge-sheet has already

been filed, therefore, there is no chance of tampering with the evidence, and, one co-accused of the similar role, has been granted regular bail by this

Court.

5. Mr. M.A. Khan, A.G.A., has opposed the Anticipatory Bail Application orally. However, he has fairly conceded, on instruction, received from the

Investigating Officer, that the co-accused Abhishek alias Shanki had opened fire on the informant.

6. Personal liberty under Article 21 of the Constitution of India is very precious fundamental right and it should be curtailed only when it becomes

imperative according to the peculiar facts and circumstances of the case.

7. In the facts and circumstances of the case, applicant- Navjot Singh is directed to be released on Anticipatory Bail, in the event of his arrest, on

furnishing his personal bond of Rs. 30,000/- and two reliable sureties, each in the like amount 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.

8. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the concerned authority will be free to move the

Court for cancellation of the anticipatory bail.

9. Anticipatory Bail Application (No.989 of 2023) stands disposed of accordingly.