

Court No. - 51

Case :- CRIMINAL APPEAL No. - 2791 of 2016

Appellant :- Hukum Singh @ Hukma

Respondent :- State Of U.P.

Counsel for Appellant :- Chandra Badan, C.B. Mishra, Noor Mohammad

Counsel for Respondent :- G.A.

Hon'ble Vipin Sinha, J.

Hon'ble Akhilesh Chandra Sharma, J.

Order on Criminal Misc. Bail Application

This is a second bail application moved on behalf of appellant Hukum Singh @ Hukma in the instant criminal appeal.

The first bail application was rejected by this Court on 19.10.2016.

Heard learned counsel for the parties and perused the record.

The second bail application is being pressed basically with two contentions, first is that he is not name named in FIR and he has already suffered incarceration since 07.9.2007; and second is to the effect that as per the testimony of P.W.-2 the role of firing and killing the deceased has been assigned to the co-accused Jasveer who has already been granted bail by this Court on 19.10.2016 in Criminal Appeal No. 2791 of 2016; P.W. 1 in his testimony has clearly stated that *Ranveer Ki kanpati par satakar Jasveer ne tamanche se goli mar di* and thus there are contradictions in the testimonies of P.W.1 and P.W.2; it has been further mentioned that deceased has received only one gun shot injury; appellant has no previous criminal history; there is no likelihood of the appeal being heard in near future and there is every likelihood of the appeal being allowed.

Learned A.G.A. has strongly opposed the prayer for bail but he does not rebut the aforesaid contentions.

Without expressing any opinion on the merits of the case, let the appellant Hukum Singh @ Hukma convicted and sentenced in S.T. No. 158 of 2008, arising out of case crime no. 96 of 2007, u/s 147, 148, 149, 302, 307, 224, 225 IPC, PS. Hathras Gate, District Hathras be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

On acceptance of bail bond and personal bond, the lower court shall transmit photostat copies thereof to this Court for being kept on the record.

Fifty percent of the fine shall be deposited by appellant within a period of one month from the date of his release and balance fifty percent of fine shall remain stayed during the pendency of this appeal. In case of default in depositing fifty percent of fine within the aforesaid period, the same shall be recovered in accordance with law.

Order Date :- 22.2.2018

Neeraj