

**Court No. - 45**

**Case :-** CRIMINAL APPEAL No. - 7999 of 2019

**Appellant :-** Sumit Singh

**Respondent :-** State of U.P.

**Counsel for Appellant :-** Devendra Tiwari Deva, Kuldeep Singh Yadav

**Counsel for Respondent :-** G.A.

**Hon'ble Siddhartha Varma, J.**

**Hon'ble Ram Manohar Narayan Mishra, J.**

***Order on Criminal Misc. Bail Application No. 01 of 2019***

Heard learned counsel for the applicant and learned A.G.A. appearing for the State and perused the record.

The instant application has been filed under Section 389 Cr.P.C. to suspend the sentence of conviction and to release the applicants on bail in Sessions Trial No.25 of 2016 (State vs. Sumit Singh and others) arising out of Case Crime No.271 of 2015, under Sections 498-A, 304-B, 323 of I.P.C. and 4 D.P. Act, Police Station - Maudarwaja, District - Farukhabad.

The contention of learned counsel for the appellant is that the appellant-applicant is husband of the deceased. Co-accused Pintu Alias Amit Singh and two others were also convicted and sentenced alongwith the applicant are enlarged on bail by orders of this Court dated 10.6.2022 in Criminal Appeal No.8000 of 2019 (Pintu Alias Amit Singh and 2 others vs. State of U.P.).

Learned counsel for the appellant further contended that the prosecution witnesses had turned hostile during trial. Demand of dowry has not been established. It has been contended that the letter, which was written by the deceased, was not examined by any expert. The letter purportedly written by the deceased was not examined by any expert.

Learned counsel for the appellant next contended that the appellant is languishing in jail since 19.6.2015 and thus, he has undergone 9 years, 3 months of imprisonment and more than ten years with remission, therefore, he also deserves to be enlarged on bail in the light of guidelines of Hon'ble Apex Court in **Saudan Singh vs. State of U.P., 2022 SCC OnLine SC 697**. Still further, learned counsel for the appellant submits that since the appeal is not likely

to be heard and decided expeditiously in the near future due to heavy backlog of this Court.

In rebuttal, learned AGA has opposed the bail application and submitted that the appellant being husband of the deceased is main accused, however, he could not dispute the long incarceration of the appellant and the fact that the witnesses of fact had turned hostile during trial.

We have perused the judgement and records of the lower court with the assistance of the learned counsel for the parties. We are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of applicant and the applicant be enlarged on bail.

Consequently, the prayer for bail is granted. The bail application is **allowed**.

Without expressing any opinion on the merit of the case, let the applicant- **Sumit Singh**, convicted and sentenced in the aforesaid case, be released on bail on his furnishing personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

The applicant is directed to deposit the entire amount of fine imposed by the trial court within one month from the date he is released on bail.

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.

Office to inform the concerned Jail Superintendent through Chief Judicial Magistrate concerned to ensure compliance of the order.

### ***Order on Appeal***

List this appeal on 11.11.2024 for final hearing before the appropriate Bench.

It is made clear that this case shall not be treated as part heard or tied up to this Bench.

**Order Date :- 24.9.2024**  
Kamarjahan