2025:AHC:166506

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20752 of 2025

Happy Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anirudh Singh, Pradeep Kumar, Sanjay Kumar Singh
Counsel for Opposite Party(s)	:	Aslam Ali, G.A., Kamal Kumar Singh

Court No. - 70

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, Shri Jai Kishan Chaurasia, the learned A.G.A. for the State as well as Shri K. K. Singh, learned counsel for the informant and perused the record.

2. By means of the instant bail application, the applicant, Happy Singh, is seeking bail in Case Crime No. 0083 of 2025, under Sections 191(2), 191(3), 190, 103(1), 109(1), 61(2) of B.N.S., Police Station Hastinapur, District Mererut.

3. The F.I.R. was lodged against seven persons including the applicant. The allegation made in the F.I.R. is that all the named accused including the applicant fired shots upon the informant's brother on account of which he died on the spot.

4. Learned counsel for the applicant submits that in the postmortem six firearm injuries were found on the person of the deceased, out of which four were entry wounds and two were exit wounds. Cause of death was opined as shock and hemorrhage due to ante mortem firearm injuries. Two metallic bullet were also recovered from the person of the deceased in his postmortem. Learned counsel further submits that in his statement the first informant has assigned the role of firing to two accused namely Balbir Singh alias Chhagga and Manmeet alias Fauta. The first informant in his statement has also taken the name of applicant but he has not assigned any role to him. One eye witness in his statement has assigned role of firing to the co-accused, Manmeet alias Fauta. One eye witness Jaswant Singh in his statement has alleged that both the accused Balbeer Singh alias Chhagga and Manmeet alias Fauta had fired shots upon the deceased and one Gurmukh, who sustained firearm injuries. The injured-Gurmukh Singh in his statement has alleged that the accused Manmeet alias Fauta fired shots upon the deceased, but this injured in his further statement has alleged that Balbeer Singh alias Chhagga, Manmeet alias

Fauta and the applicant fired shots upon the deceased. Learned counsel thus, submits that there are material contradictions in both the statements of the injured Gurmukh Singh. Recovery of one firearm was made on the pointing out of the co-accused, Manmeet alias Fauta, as such there is no recovery on the pointing out of the applicant and except his confessional statement there is no evidence against the applicant. The applicant has been made accused due to previous enmity. The applicant is in jail since 17.04.2025, having no criminal history.

5. Per contra, learned A.G.A. as well as learned counsel for the informant while opposing the prayer for bail of the applicant have submitted that the injured-Gurmukh Singh in his further statement has specifically stated that all the three accused namely Balbeer Singh alias Chhagga, Manmeet alias Fauta and Happy Singh (applicant) had fired shots upon the deceased and there were four entry and two exit wounds found on the person of the deceased in his postmortem, thus, all these three persons including the applicant are actively involved in causing gunshot injuries to the deceased, therefore, the applicant does not deserve any indulgence.

6. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case, and considering the fact that there were four entry and two exit wounds found on the person of the deceased in his postmortem and the injured eye witness-Gurmkh Singh in his further statement has specifically named three accused including the applicant, without expressing any opinion on the merits of the case, no case for bail is made out.

7. Accordingly, the bail application of applicant-Happy Singh, is **rejected.**

(Dr. Gautam Chowdhary,J.)

September 17, 2025
Mustaqeem.

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad