

**Court No. - 44**

**Case :-** CRIMINAL APPEAL No. - 2814 of 2022

**Appellant :-** Succha Singh And 3 Others

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

**Counsel for Appellant :-** A.K. Mishra, Abhisht Jaiswal, Atharva Dixit, Sati Shanker Tripathi

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

**Hon'ble Arvind Singh Sangwan, J.**

**Hon'ble Shiv Shanker Prasad, J.**

**(Ref:- Criminal Misc. Short Term Bail (Parole) Application**

Heard learned counsel for the accused-appellant/applicants, Succha Singh, Awatar Singh, Hardeep Singh @ Ind and Dalveer Singh @ Veera Singh and the learned A.G.A. for the State.

This application has been filed on behalf of accused-appellant/applicants, Succha Singh, Awatar Singh, Hardeep Singh @ Ind and Dalveer Singh @ Veera Singh seeking short term bail.

Learned counsel for the accused-appellants submits that in reply to the letter sent by him on 17th March, 2024 through the Senior Superintendent, Central Jail, Bareilly (U.P.) for providing complete medical history of the accused-appellants, the Senior Superintendent of Central Jail, Bareilly has sent his letter dated 18th March, 2024 providing the required information, copies of which have been placed before this Court, which are taken on record.

Learned counsel for the accused-appellants further submits that in the report of the Senior Superintendent of Central Jail, Bareilly it has been stated that accused-appellant no.1 Succha Singh is 93 years old and is suffering from "blindness 100% HTN with Old age Debilty and as per Clause nos. 177, 178 and 179 of the Jail Manual 2022, his case has been recommended for premature release to the State Government which is pending consideration.

Learned counsel for the accused-appellants again submits that qua accused-appellant no.3 Hardeep Singh @ Ind aged about 57 years, it has been stated in the said report that he was found to be 100% blindness. His case for premature release has also been recommended to the State Government and is pending consideration.

So far as accused-appellant no.4 Dalveer Singh @ Veera Singh is concerned, it has been stated in the report of the Senior Superintendent that he is 82 years old and suffering from HTN, Cholilithiasis with Old Age Debilty. As per the Clause nos. 177, 178 and 179 of the Jail Manual 2022, the case of appellant no.4 has been recommended for premature release and is pending

consideration before the State Government.

In respect of accused-appellant no.2 Awatar Singh, it has been stated that he is 52 years old and is suffering from throat diseases and his treatment is going on in the hospital of the Jail but his condition is normal.

The other convicted Paal Singh, who is not a party in the present appeal, it has been submitted in the report of the Senior Superintendent of Bareilly Jail that he is 72 years old and is suffering from HTN, COPD with old Age Debility. His case for premature release has also been recommended and is pending consideration before the State Government.

On the basis of the aforesaid report, it has been submitted by the learned counsel for the accused-appellants that the accused appellants be enlarged on short term bail in order to enable him to take treatment from a better hospital.

Learned A.G.A. could not dispute the above facts.

This Bench vide order dated 10th January, 2024 passed in Criminal Appeal No. 165 of 2016 (Ganesh Vs. State of U.P.) has already issued instructions to the Registrar General of this Court to communicate the said order to all the Chief Judicial Magistrates/District Legal Services Authorities of all the Courts through out the State of Uttar Pradesh to keep a track of all the accused, who are in various jails of the State of Uttar Pradesh, whose cases have been recommended for premature release and also to release on them on interim bail accordingly, subject to the condition that in case recommendation of any accused is rejected by the State Government, he will surrender before the concerned Court and he will be sent to jail again.

However, in the instant case, despite the above instructions of this Bench, it seems that the same are not being followed and the accused-appellant nos. 1, 3, 4 and other accused Paal Singh (who is not party in the present appeal), whose cases have been recommended for premature release, have not been granted interim bail by the concerned court.

In such circumstances, this Bench has no other option but to direct the concerned Chief Judicial Magistrate/District Legal Services Authority to submit explanation for not complying the order dated 10th January, 2024 passed in Criminal Appeal No. 165 of 2016. The concerned Chief Judicial Magistrate/District Legal Services Authority shall submit reply before the next date of listing. The Registrar General is also directed to obtain compliance report qua order dated 10th January, 2024 from all the concerned Chief Judicial Magistrate/District Legal Services Authority of the State of Uttar Pradesh.

In the meantime, the accused-appellant nos. 1, 3, 4, namely, Succha Singh, Hardeep Singh @ Ind and Dalveer Singh @ Veera

Singh, whose cases have been recommended for premature release, be enlarged on short term bail in Sessions Trial No. 344 of 2002 (State of U.P. Vs. Pal Singh & Others) arising out of Case Crime No. 47 of 2000, under Sections 148, 302/149, 364 and 201/149 of I.P.C., Police Station-Banda, District-Shahjahanpur till their cases for premature release are not decided by the State Government, subject to following conditions:

(i) That the accused-appellants shall observe peace and tranquility during the period of short term bail and shall not indulge in any unlawful activity.

(ii) That for the period of short term bail, the appellants shall be under 24 hours vigil of the concerned Police but the appellants will be free to move about to places that they want to go.

(iii) That the appellants shall surrender before the C.J.M concerned immediately in case their cases for premature release are rejected.

This order be intimated to the concerned C.J.M., through the Registrar General, High Court, Allahabad for making proper arrangement.

Let a copy of this order be supplied to the learned counsel for the accused-appellants within two days itself on payment of usual charges.

Application is, accordingly, allowed.

List the appeal on 22nd March, 2024.

The Registrar General is also directed to communicate this order to the concerned Chief Judicial Magistrate/District Legal Services Authority for necessary compliance henceforth.

(Shiv Shanker Prasad, J.)

(Arvind Singh Sangwan, J.)

**Order Date :- 19.3.2024**

Sushil/-