

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 28391 of 2025

Applicant :- Narendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- B.N.Singh, Manish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Manish Kumar Singh, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.09 of 2025, under Sections 74, 64(1) B.N.S., Police Station Majhgawan, District Hamirpur, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first bail application was rejected by this Court vide order dated 28.5.2025 passed in Criminal Misc. Bail Application No.18523 of 2025 and the following order was passed:-

"1. List has been revised.

2. Supplementary affidavit filed today is taken on record.

3. Heard Sri Manish Kumar Singh, learned counsel for applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.

4. The present bail application has been filed by the applicant in Case Crime No.09 of 2025, under Sections 74, 64(1) B.N.S., Police Station Majhgawan, District Hamirpur with the prayer to enlarge him on bail.

5. As per prosecution story, the applicant is stated to have outraged the modesty of the victim on 13.01.2025 at about 4:30 p.m.

6. Learned counsel for the applicant has stated that the FIR is delayed by about nine days and there is no explanation of the said delay caused. It is a clear-cut case of false implication. The allegations made in the FIR were reiterated by the victim in her statement recorded under Section 180 B.N.S.S., but subsequently in her statement recorded under Section 183 B.N.S.S., she

has escalated the allegations to that of rape, i.e. having committed aggravated sexual assault by the applicant by fingering her, that too after legal consultation.

7. Learned counsel for the applicant has further stated that the victim is major aged about 47 years and there is no medial corroboration of the incident. There are four cases instituted against the applicant, including the instant case, as such, the criminal history assigned to the applicant are three in number.

8. Learned counsel for the applicant has also stated that in Case Crime No.279 of 2021, under Sections 392/411 I.P.C., Police Station Rath, District Hamirpur, the applicant has been enlarged on bail in the said case, but he could not fetch the bail order as he was granted bail by the Trial Court itself. In Case Crime No.671 of 2021, under Section 3(1) Gangster Act, Police Station Rath, District Hamirpur, the applicant has been granted bail and the said bail order has been annexed as SA-1 to the supplementary affidavit filed today. In Case Crime No.163 of 2024, under Sections 115(2)/351(3)/352 B.N.S., Police Station Majhgawan, District Hamirpur, the applicant has not been issued any notice whatsoever and the offences are bailable, as such, the criminal history assigned to the applicant stands explained.

9. Learned counsel for the applicant has further stated that the applicant is in jail since 29.01.2025 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

10. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that two of the cases mentioned in the criminal history of the applicant have not been properly explained as no orders have been annexed.

11. After hearing learned counsel for the parties and taking into consideration the fact that the criminal history assigned to the applicant has not been properly explained by the counsel for the applicant, I do not find it a fit case for grant of bail to the applicant.

12. The bail application is found devoid of merits and is, accordingly, rejected.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial."

5. Learned counsel for the applicant could not bring to light any new ground for pressing the instant bail application.

6. After hearing learned counsel for the applicant and learned A.G.A. for the State and taking into consideration the fact that no new ground is there for pressing the instant bail application, I do not find it a fit case for grant of bail to the applicant.

7. The present bail application is hereby found devoid of merits and is accordingly ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

10. After this order was passed, learned counsel for the applicant kept on arguing his case and is adamant that the case of the applicant is of bail.

11. Justice underscores the dual responsibilities of Advocates in a Court of Law. While they must diligently represent and look after the interests of their clients, they also have an onerous duty to maintain a respectful and conducive environment in the courtroom. Advocates should assist the Court rather than cause disruptions, ensuring that the proceedings are orderly and respectful, which ultimately upholds the dignity of the judicial process.

12. The counsel for the applicant not only continued to argue the case after the order had been passed in open Court but also caused a disturbance and disrupted the proceedings. This behavior is considered criminal contempt of Court, as it undermines the authority and decorum of the judicial process, but this Court is desisting from initiating contempt proceedings. No litigant can be permitted to interfere in the proceedings of the Court after passing of the order.

13. The said attitude of counsel for the applicant is deprecated.

Order Date :- 21.8.2025

Vikas

(Justice Krishan Pahal)