

**Court No. - 28**

**Case :-** BAIL No. - 8002 of 2020

**Applicant :-** Surjeet Singh @ Sujeet Singh

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Sunil Kumar Singh, Alok Kumar Mishra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Dinesh Kumar Singh, J.**

1. It is stated that in the present case charge-sheet has been filed against the accused-applicant under Sections 34 and 120-B IPC in FIR No.0382 of 2019 relating to Police Station Akhand Nagar, District Sultanpur, which was initially lodged under Section 307 IPC, but after death of the victim, Section 302 IPC has been added.

2. Neither the offences under Section 34 IPC nor Section 120-B IPC are the independent offences. These are the offences to be read in the substantive offences. It is very strange that the charge-sheet has been filed only under Sections 34 and 120-B IPC. How the charge-sheet under Sections 34 and 120-B IPC can be filed without adding the substantive offences.

3. In view of the above, it is required that the investigating officer, who has investigated the offence, and the circle officer, who would have perused the same, shall remain present before this Court on the next date of listing to furnish their explanation in writing on personal affidavits that how the charge-sheet under Sections 34 and 120-B IPC would go to stand in the scrutiny without the substantive offences being mentioned therein.

**5. List this case on 17th November, 2020.**

**Order Date :-** 2.11.2020

MVS/-