



2025:UHC:8337

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p data-bbox="691 378 943 409"><u>BA1/1721/2025</u></p> <p data-bbox="691 450 1166 488"><u>Hon'ble Alok Mahra, J.</u></p> <p data-bbox="691 506 1485 651">Mr. G.C. Lakhchaura and Mr. Dushyant Mainali, learned counsel for the applicant.</p> <p data-bbox="691 674 1485 768">2. Mr. Akshay Latwal, learned A.G.A. for the State.</p> <p data-bbox="691 790 1485 943">3. Mr. C.K. Sharma and Mr. Nitin Tewari, learned counsel for the complainant.</p> <p data-bbox="691 965 1485 1328">4. Applicant–Faijan, who is in judicial custody in connection with F.I.R. No. 216 of 2025, registered under Sections 190, 191(2), 191(3), 103(1), and 238 of the B.N.S., at Police Station Ramnagar, District Nainital, has sought his release on bail.</p> <p data-bbox="691 1350 1485 1496">5. Heard learned counsel for the parties and perused the material available on record.</p> <p data-bbox="691 1518 1485 2096">6. Learned counsel for the applicant would submit that as per the prosecution version, the F.I.R. has been lodged against five persons, including the present applicant and 10-12 unknown persons, alleging that on 13.06.2025, some acquaintances of the deceased took him along, and later during the night, the complainant came to know about the murder of his son aged about 23 years. It is alleged that</p>



one Sikandar along with his associates, including the present applicant, committed the offence in furtherance of common intention. It is submitted that no specific role has been assigned to the applicant in the F.I.R.; there is no clear or cogent evidence demonstrating his active participation in the commission of the alleged offence; and no motive has been attributed to him.

7. He would further submit that the applicant is innocent and has been falsely implicated; that, the applicant has no criminal history; that, he is in judicial custody since 16.06.2025. It is also submitted that the bail application of the applicant has earlier been rejected by the court below vide order dated 19.08.2025; that, that the applicant is a permanent resident of District Nainital and there is no likelihood of his absconding or tampering with the prosecution evidence; that, the trial is likely to take considerable time to conclude.

8. Per contra, learned State counsel as well as learned counsel for the complainant have opposed the bail application, submitting that there is direct evidence against the applicant, inasmuch as he is stated to be visible in the C.C.T.V. footage at or near the place of occurrence, and therefore, he is not entitled to be released on bail.

9. To this, learned counsel for the applicant would submit that the alleged



C.C.T.V. footage, even if taken at its face value, does not establish the involvement of the applicant in the commission of the offence and the same is a matter of appreciation of evidence during trial.

10. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the F.I.R. contains general and omnibus allegations against the accused persons, including the present applicant, without assigning any specific overt act to him. The role attributed to the applicant is not clearly delineated at this stage.

11. Accordingly, without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a fit case for grant of bail.

12. Accordingly, the first bail application is allowed.

13. Let the applicant be released on bail in the aforesaid case crime number, on his furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned,

(Alok Mahra, J.)

16.04.2026