

HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No.171 of 2023

Shivam Mehra

....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Arvind Vashishtha, Sr. Advocate for the applicant.

Ms. Manisha Rana Singh, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Shivam Mehra is in judicial custody in FIR No.450 of 2020 (Case No.09 of 2021), under Sections 302, 120B & 201 IPC, Police Station Vikasnagar, District Dehradun. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. This is the second bail application of the applicant. The first bail application is dismissed in non-prosecution on 18.07.2022.

4. According to the FIR, deceased Rakesh Singh Negi has once revealed to the informant who happened to be nephew of the deceased, that his wife Reema meets applicant quite frequently. The FIR records that when Reema was told about it, she would take fights with the deceased. The deceased Rakesh Singh Negi died on 12.11.2020.

5. Learned senior counsel appearing for the applicant would submit that the dead body of the deceased was found in his house. The applicant is not inmate of the house. He stays at some other place. It is argued that in para 18 of her statement PW3 Khushi Negi, has stated that she was told by her mother as to what is to be told to the police and therefore, the child witness is not reliable.

6. Learned State Counsel would submit that PW3 the child of the deceased has supported the prosecution case. She would submit that there is one more witness Karan Singh who has stated that the applicant had illicit relations with the wife of the deceased.

7. It is the stage of bail. Much of the discussion at this stage is not expected of. To the extent of appreciating the controversy, the matter may be examined with the caveat that any observation, made at this stage, shall have no bearing at any subsequent stage of the case.

8. PW5 Jagat Singh has also stated that the applicant had illicit relation with the wife of the deceased. What is being argued is that another witness Karan Singh, has also stated about it. PW3 Khushi Negi is the daughter of the deceased. She has stated that as to what

had happened on the date of incident. She is categorical that the applicant and co-accused together killed her father (the deceased). It is true that at one stage, she has stated that she was told by her mother as to what is to be told to the police. But, she has not said that she was told by her mother as to what is to be told in the court. In fact, in para 20 and para 19, she is categorical that neither Guru Bhaiya nor prosecutor told her as to what is to be stated in the court. There is a post-mortem report which has been proved by PW4 Dr. Sanjeev Kumar Singh. It shows multiple injuries on the person of the deceased.

9. Having considered, this Court is of the view that there is no ground to enlarge the applicant on bail. Accordingly, the bail application deserves to be rejected.

10. The bail application is rejected.

(Ravindra Maithani, J)
09.05.2024

Ravi