



2025:UHC:5602-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND

HON'BLE SRI JUSTICE ALOK MAHRA

02nd July, 2025

WRIT PETITION CRIMINAL No. 1255 OF 2023

Krishnakant and Another

...Petitioners

Versus

State of Uttarakhand

...Respondent

Presence:-

Mr. Amit Satyawali, learned counsel, holding brief of Mr. Vikas Anand, learned amicus curiae for the petitioners.

Mr. J.S. Virk, learned Deputy Advocate General for the State.

JUDGMENT: (per Hon'ble The Chief Justice Sri G. Narendar)

The petition is by the under-trial that his arrest and detention is contrary to law laid down by the Hon'ble Apex Court in the case of *Arnesh Kumar Vs. State of Bihar and Another* and *Satender Kumar Antil Vs. C.B.I. and Another*.

2. That his continued detention is *per se* illegal and, in that view, he has sought for the following reliefs:-

“(i). Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to strictly follow and comply with the guidelines issued by Hon'ble Apex Court in the case of *ARNESH KUMAR V/S STATE OF BIHAR AND ANOTHER* (2014) 8 SCC 273 and *SATENDER KUMAR ANTIL V/S CBI. & ANR.* (MA-NO. 1849/2021 in SLP. CRL. No. 5191/2021), Any non-compliance of the guidelines issued by the Hon'ble Apex Court shall be deemed to the Contempt of the Court; as ruled out by the



2025:UHC:5602-DB

Hon'ble Supreme Court in the case of ARNESH KUMAR (supra).

(ii). Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to not register multiple duplicate FIR(s) against the petitioner no. 1 as well as other petitioner and if the respondent has already registered any FIR(s)/duplicate cases against the Petitioner no. 1 then all such duplicate Cases (based on same allegation; same offence/incident/occurrence) all concerned with same/common victims/complainants/witnesses may withdrawn upon due verification to prevent the abuse of process of court and to ensure the fundamental right of the petitioner no. 1 as enshrined under Article 20 (2) of the Constitution of India.

(iii). Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 and 3 to strictly follow and comply with the guidelines issued by Hon'ble Apex Court in the Case of SATENDER KUMAR ANTIL (supra) and HUSSAIN & ANR. V/S UNION OF INDIA & ORS. (2017) 5 SCC 702 while considering the bail applications of the petitioners and to conclude the Magisterial trials normally as per the direction issued by the Hon'ble Supreme Court in the case of HUSSAIN & ANR. (supra); any non-compliance shall be deemed to contrary of the guidelines of Hon'ble Apex Court and as well as violative under Article 141 of the Constitution of India.

(iv). Issue a writ, order or direction or any other appropriate writ commanding and directing the respondent no. 1 to 3 to ensure to fully comply with the guidelines issued in above-mentioned cases and if not complied fully, are expected to be complied with in order to prevent incarceration of undertrials, and to uphold the inviolable principle of presumption of innocence until proven guilty as ruled out in the case of SATENDER KUMAR ANTIL (Supra)."

3. The allegations are of cheating multiple members of the society and, in that view, individual sufferers have lodged separate complaints.

4. Be that as it may, the issue of clubbing of the FIRs, etc. can be considered at a later point of time at the time of charge-sheet by the prosecution.

5. It is submitted by the learned Deputy Advocate General that petitioners have been enlarged on bail in



2025:UHC:5602-DB

all the cases and are no longer in custody in any of the prisons in the State.

6. In that view, the relief with regard to enlarging the petitioners on bail does not survive.

7. Placing the submissions of the Deputy Advocate General on record, petition stands disposed of.

G. NARENDAR, C.J.

ALOK MAHRA, J.

Dt: 02nd July, 2025
UJJWAL