



IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

BailApplication No.77 of 2026

Amaan@ Aman @ Ammi Applicant

Vs.

State of Uttarakhand Respondent

With

Bail Application No. 59 of 2026

Fardeen Applicant

Vs.

State of Uttarakhand Respondent

Presence:

Mr. Sudhir Kumar Chaudhary, learned counsel for the Applicant in BA1 No. 77 of 2026.

Mr. Abhishek Verma, learned counsel for the Applicant in BA1 No. 59 of 2026.

Mr. N.S. Kanyal, learned AGA, for the State.

Hon'ble Ashish Naithani, J.

Both the present Bail Applications arise out of Case Crime No. 374 of 2025, registered under Section 103(1) and 3(5) of the Bharatiya Nyaya Sanhita and Sections 3 and 25 of the Arms Act at Police Station Kashipur, District Udham Singh Nagar. Since both the Applicants are named in the same FIR and the allegations arise out of the same incident, the matters are being considered together.

2. The FIR dated 01.09.2025 has been lodged by the informant alleging that on the night of 31.08.2025, while his father, namely Jasveer Singh alias Tony, was present near the locality along with one Naveen Singh Rawat, a dispute arose between him and the present Applicants along with co-accused persons, namely Imran.

3. It is alleged that during the course of the altercation, all the accused persons abused the deceased, and thereafter one of them took out a country-made pistol and fired a shot at the head of the deceased, causing him to fall on the ground. Thereafter, the accused persons fled from the spot on a motorcycle. The injured was taken to hospital and subsequently referred to Moradabad, where he succumbed to the injuries.

4. The FIR names the present Applicants along with co-accused persons and attributes participation in the incident with common intention.

5. The Applicants were arrested in connection with the said FIR and are stated to be in judicial custody since early September 2025. Investigation has been completed and charge sheet has been submitted.

6. The bail applications moved by the Applicants before the court below have already been rejected.

7. Learned counsel for Applicant- Amaan alias Aman alias Ammi submits that he has been falsely implicated in the present case and has no role in the alleged offence. It is argued that the prosecution story, as reflected in the FIR, is exaggerated and suffers from inherent inconsistencies.

8. It is contended that although the Applicant is named in the FIR, there is no specific and unequivocal attribution of the act of firing to him, and his implication is on account of mere presence along with other co-accused persons.

9. Learned counsel further submits that the alleged recovery shown by the investigating agency is wholly doubtful and has been planted only to strengthen an otherwise weak prosecution case.

10. It is also argued that there has been non-compliance of statutory safeguards relating to arrest, inasmuch as the grounds of arrest were not furnished to the Applicant in writing, thereby infringing his fundamental rights under Articles 21 and 22 of the Constitution. It is further contended that the mandatory provisions of the BNSS governing arrest have not been adhered to.

11. Learned counsel submits that the investigation has already been completed and charge sheet has been filed, and therefore, no further custodial interrogation of the Applicant is required.

12. It is further urged that the Applicant is a young student with no criminal antecedents and has been in judicial custody since 02.09.2025, and his continued incarceration would seriously prejudice his future prospects.

13. Learned counsel also submits that the Applicant is a permanent resident of the stated address and there is no likelihood of his absconding or tampering with evidence.

14. Learned counsel for Applicant- Fardeen submits that he has been falsely implicated and has no connection whatsoever with the alleged offence.

15. It is argued that the prosecution case is based on a solitary allegation of gunshot injury and there is no reliable material to establish the role of the present Applicant in the commission of the offence.

16. Learned counsel contends that the alleged recovery shown against the Applicant - Fardeen is doubtful and appears to be a planted piece of evidence, which cannot be relied upon at this stage.

17. It is further submitted that the implication of the Applicant - Fardeen, is sought to be based upon alleged CCTV footage, which does not conclusively establish his involvement in the crime and is open to serious doubt.

18. Learned counsel argues that no strong or cogent motive has been attributed to the Applicant, and in absence of any credible motive or direct evidence, the prosecution case is rendered weak.

19. It is also contended that the essential ingredients of common intention are not made out, and mere presence at the spot, even if assumed, would not be sufficient to fasten criminal liability upon the Applicant - Fardeen.

20. Learned counsel further submits that the Applicant has no prior criminal antecedents and has been made a scapegoat in the present matter.

21. It is urged that the Applicant - Fardeen undertakes to cooperate in the trial and shall not misuse the liberty of bail, if granted.

22. Learned AGA for the State, assisted by learned counsel for the informant, opposes the bail applications and submits that both the Applicants are named accused in a case involving a serious offence of homicide committed by use of firearm.

23. It is submitted that the FIR clearly discloses the role of the accused persons acting in concert, and the offence has been committed with common intention.

24. Learned State Counsel submits that during investigation, statements of eye witnesses have been recorded, and CCTV footage has also been collected, which prima facie establishes the presence and involvement of the accused persons in the incident.

25. It is further submitted that the weapon used in the commission of the offence has been recovered and sent for forensic examination, and the case is supported by medical evidence, including post mortem report.

26. Learned AGA submits that considering the gravity of the offence and the manner in which it has been committed, the Applicants do not deserve to be enlarged on bail.

27. It is also argued that if released on bail, there is every likelihood that the Applicants may influence witnesses or abscond.

28. This Court has heard learned counsel for the parties and perused the record.

29. The FIR discloses that the incident in question arose out of a dispute on the night of 31.08.2025, during which the deceased sustained a firearm injury on the head and subsequently succumbed to the same. The present Applicants are named in the

FIR along with other co-accused persons, and the allegation is of their participation in the occurrence.

30. At the stage of consideration of bail, this Court is not required to undertake a detailed appreciation of evidence. However, the nature of accusation, gravity of offence, and *prima facie* material on record are required to be considered.

31. The offence alleged is of a serious nature, involving homicidal death caused by use of firearm. The manner of occurrence, as reflected in the FIR, indicates that the accused persons acted in concert during the altercation.

32. The record further indicates that during investigation, statements of witnesses have been recorded and CCTV footage has been collected, which *prima facie* places the accused persons at or near the place of occurrence. The prosecution case is also stated to be supported by recovery of weapon and medical evidence.

33. The submission of learned counsel for the Applicants that there are contradictions in the prosecution case and that the recovery is doubtful are matters which would require appreciation of evidence and are to be tested during trial.

34. The argument relating to absence of specific role is also required to be considered in the light of the allegation of common intention, which *prima facie* emerges from the FIR and the material collected during investigation.

35. As regards the submission concerning non-compliance of procedural safeguards relating to arrest, the same, even if assumed,



cannot by itself be a determinative ground for grant of bail in a case involving serious allegations supported by prima facie material.

36. Considering the nature and gravity of the offence, the manner of its commission, and the material collected during investigation, this Court is not inclined to enlarge the Applicants on bail at this stage.

ORDER

The bail applications are rejected.

It is clarified that the observations made herein are only for the purpose of deciding the present bail applications and shall not influence the trial.

(Ashish Naithani J.)

16.04.2026

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