



2026:UHC:4070

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

First Bail Application No. 120 of 2026

Jasveer

.....Applicant

Vs.

State of Uttarakhand

.....Respondent

Counsel Presence:

Mr. Gaurav Singh, learned counsel for the Applicant.

Mr. Pradeep Lohani, learned A.G.A. for the State.

Hon'ble Ashish Naithani, J (Oral)

1. The present First Bail Application has been preferred by the applicant, Jasveer, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking bail in connection with Case Crime No. 700 of 2025, registered at Police Station Laksar, District Haridwar, for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023. The applicant has been languishing in jail since 09.07.2025 pursuant to his arrest in connection with the alleged murder of one Saroj Devi.

2. As per the State's case, the FIR came to be lodged on 06.07.2025 by the son of the deceased alleging that his mother had allegedly gone with the present applicant on 05.07.2025 on the pretext of settlement of certain monetary transaction and thereafter her dead body was recovered. Pursuant thereto, the present FIR was registered and investigation commenced.

3. During the course of investigation, the Investigating Agency recorded statements of witnesses, prepared inquest proceedings, collected CCTV footage and other electronic material, and allegedly effected certain recoveries from the possession of the applicant. The postmortem of the deceased was also conducted, wherein the cause of death was opined to be smothering. Upon completion of investigation, charge-sheet came to be submitted against the applicant.
4. The State's case primarily rests upon circumstantial evidence including the alleged last seen theory, motive arising out of monetary dispute, CCTV footage and recoveries alleged to have been made during investigation. The applicant is stated to be in judicial custody since 09.07.2025.
5. Heard learned counsel for the parties and perused the records.
6. Learned counsel for the applicant would submit that the applicant has been falsely implicated and that the entire State case rests solely upon circumstantial evidence. It is argued that there is no direct evidence connecting the applicant with the alleged offence and the chain of circumstances is incomplete. Counsel submits that the allegation regarding monetary transaction and "last seen" circumstance is not supported by any independent material and even during the inquest proceedings no such suspicion was specifically raised against the applicant.
7. It is further argued that the alleged recovery of a letter from the possession of the applicant is unnatural and doubtful. Learned counsel would also submit that though certain recoveries are alleged to have been made, there is no conclusive forensic material linking the applicant with the crime. It is submitted that the CCTV

footage and mobile-related material merely indicate movement prior to the incident and do not complete the chain of circumstances.

8. Learned counsel additionally submits that the applicant has no criminal antecedents, is in custody since 09.07.2025 and the investigation already stands completed with submission of charge-sheet. It is thus prayed that the applicant be enlarged on bail during pendency of the trial.
9. Per contra, learned State Counsel would oppose the bail application and submit that the deceased was last seen with the applicant shortly before the incident and the investigation has collected material indicating his involvement. It is argued that the State has relied upon CCTV footage, witness statements, alleged recoveries and the motive arising out of monetary dispute to establish the complicity of the applicant.
10. Before advertng to the facts of the present case, it is necessary to remind oneself of the settled legal principles governing the grant of bail, more particularly in cases that rest entirely on circumstantial evidence. The law does not prohibit the grant of bail in serious offences, but the court must assess whether the evidence on record, even at a prima facie stage, points so strongly to the guilt of the accused that his release would be against the interest of justice. However, in cases of circumstantial evidence, the test is more rigorous because there is no eyewitness to the occurrence. The State must, at the trial, prove a complete and unbroken chain of circumstances that leads to the sole conclusion of the guilt of the accused. At the stage of bail, while this Court is not expected to conduct a mini-trial, it is certainly duty-bound to examine whether

the chain of circumstances as presently available is so incomplete or full of gaps that continued detention of the accused is not justified.

11. If the circumstantial evidence is weak, contradictory, or appears to be manufactured, then the court may be inclined to grant bail, subject of course to appropriate conditions. With this legal framework in mind, the facts of the present case are examined.
12. Perhaps the most glaring infirmity in the State's case pertains to the material inconsistency between the postmortem findings and the blood swab recovery. The postmortem report, as opined by both Doctors Nitish and Bhanu Pratap, who conducted the autopsy on 06.07.2025, unequivocally records that no external blood was found on or about the person of the deceased Saroj Devi.
13. The cause of death was stated to be smothering, that is, asphyxia, caused by closing the mouth and nose of the deceased. This is confirmed by the clinical findings of *Emphysematous Bulle* in the lungs, the tongue bite, and cyanosis. If smothering was indeed the cause of death, the presence of external blood on the body would be negligible, if any. Yet, the State claims that a blood swab taken from the house of the applicant was found to be of the deceased. If no blood was found on the body of the deceased, the question arises as to how the deceased's blood came to be present at the applicant's residence.
14. Furthermore, a matter of grave concern to this Court is the absence of fingerprint evidence. The postmortem report establishes that the deceased was smothered to death a method of homicide that, by its very nature, involves direct physical contact between the hands of the perpetrator and the face of the victim.
15. This Court further finds that the absence of any fingerprint examination assumes significance in the peculiar facts of the

present case. Admittedly, the prosecution alleges homicidal death by smothering, which ordinarily involves physical contact. However, no material has been brought on record to indicate that any fingerprint evidence was collected either from the body of the deceased or from the place of occurrence. At this stage, such omission constitutes another circumstance relevant for examining the strength of the State's case founded entirely on circumstantial evidence.

16. The Court has also considered the alleged recovery of two self-incriminating letters from the possession of the applicant at the time of his arrest. The applicant disputes the genuineness of the said recovery. Prima facie, the circumstances surrounding the alleged recovery require cautious consideration, particularly in view of the State's case that the letters remained in possession of the applicant several days after the alleged incident and were recovered at a place away from the scene of occurrence.
17. The alleged letters relied upon by the State cannot, at this stage, be treated as conclusive incriminating material, particularly when neither any FSL examination regarding the handwriting/signatures has been placed on record nor the alleged documents themselves have been annexed with the material produced before this Court. In absence of any scientific verification or independent corroboration, the evidentiary value of such alleged letters remains doubtful and requires strict scrutiny during trial. Therefore, at the stage of consideration of bail, no adverse inference of a conclusive nature can be drawn solely on the basis of such unverified documents.
18. This Court is conscious of the gravity of the offence alleged and does not minimise the seriousness with which the death of Saroj Devi must be viewed. However, at the stage of bail, this Court is not called upon to arrive at a finding of guilt or innocence.

What this Court must satisfy itself is whether a prima facie case of such strength is made out that the applicant's continued incarceration is warranted despite the identified infirmities.

19. Bearing in mind the principle that bail is the rule and jail is the exception, and taking into account the broken chain of circumstantial evidence, absence of prior criminal antecedent, the completion of investigation, and the fact that the applicant has already been in custody for nearly ten months, this Court is of the considered opinion that the present bail application deserves to be allowed.
20. At this stage, the aforesaid observations are purely prima facie in nature and confined to adjudication of the present bail application alone. This Court refrains from entering into a deeper appreciation of evidence lest it may prejudice either side during trial

ORDER

Accordingly, the bail application is **allowed**.

Let the applicant, Jasveer, be released on bail in connection with Case Crime No.700 of 2025, under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, Police Station Laksar, District Haridwar, on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned.

(Ashish Naithani, J.)

Dated:20.05.2026

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