

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:2372
			<u>BA 1st No.133 of 2026</u> "Chota Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Shashi Kant Shandilya, learned counsel for the Applicant. 2. Mr. Vipul Painuly, learned AGA with Mr. Chitrarth Kandpal, learned Brief Holder, for the State of Uttarakhand. 3. In the High Court of Uttarakhand, the present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Chota, who has been accused in FIR No.355 of 2025, dated 20.07.2025 under Sections 103 (1), 61 (2) of BNS, at Police Station SIDCUL, District Haridwar. 4. The prosecution story as narrated in the FIR, which was lodged by the brother of the deceased, is that the deceased, who works in BVG Company left the house on 17.10.2025, but did not return. The next day i.e. on 18.07.2025 at 7:00 AM the dead body of the deceased Neetu Singh, was found near "Osho Prem Ashram", there was a head injury with incise wound caused by the sharp edged weapon. 5. The grounds so contended for the consideration of the bail application by the learned counsel for the Applicant is that the Applicant has falsely been roped in the present matter and the matter is totally based on the circumstantial evidence. The Applicant/accused has been roped in the present matter purely on false allegations only on the basis of the statement of Soniya, who is the wife of the informant Rakesh. Admittedly, she is living at Hyderabad along with the husband in the <i>gurdwara</i>

		situated at Hyderabad. There may be no motive, at this juncture, can be assigned in relation to the present crime that the Applicant may be involved in causing the death of the deceased by inflicting injuries i.e. 9 incise wounds upon the body of the deceased. The matter is purely based on the assumption and surmises and blank guesses that cannot found linkage with the same against the Applicant/accused, and it is thus requested that the Applicant may be enlarged on bail, subject to any conditions the Court may impose upon the Applicant. 6. Learned State Counsel objects to the bail application and refutes to the submissions so advanced by the learned counsel for the Applicant. It is contended opposing the bail application on the basis of key witness of the case, the complicity of the present Applicant in commission of the aforesaid crime came into light that during the course of investigation, the Investigating Team recovered Chapaad (a sharp edge weapon) which was used in the crime on the pointing out of the present Applicant and the co-accused. 7. It is further stated that the Investigating Team first got clue regarding involvement of the present Applicant in the commission of the crime through the call detail reports of the Applicant, the deceased and the co-accused Soniya and the <i>chappad</i> which was used for inflicting injuries upon the being of the deceased, has been sent for the Forensic Science Laboratory and the report is still awaited. The motive so assigned against the present Applicant is that he was carrying an illicit relationship with the Soniya. The co-accused Soniya, prompted the Applicant to murder the deceased so that the property of the deceased may come into the ownership of the co-accused Soniya. In concluding arguments, learned State Counsel submits
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		that the Applicant/accused has committed a very serious offence and does not deserve to be enlarged on bail and requested that the bail application of the Applicant may be rejected.
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		8. After hearing the learned counsel for the parties, at this juncture, this Court finds that the ground for bail are sufficient based on the following grounds:
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		(a) That the matter is purely based on the circumstantial evidence. The recovery of the chappad, which is shown to have been recovered on the instance of the Applicant can only sustain till point of the recovery and other statements cannot implicate him to the present crime, still FSL report regarding the same is awaited. The basis on which, the present Applicant has been named and his alleged involvement with the co-accused Soniya W/o Rakesh Bhuri, who is the brother of the deceased, has to be evaluated on merits after documentary and testimonial evidence.
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		(b) The theory so floated by the prosecution that the joint property in the name of the deceased and his brother Rakesh situated in District Haridwar was the main cause of the commission of the crime as the wife of the complainant and the brother of the deceased Rakesh, wished for the sole possession of the same in the name of her husband and herself is a subject matter of merit. The allegation against the Applicant is that Soniya advanced her contract for killing the deceased through Javed and Akbar is also the matter of trial and merits; so establishing the clear motive against the Applicant - Chota in the present crime which resulted in the killing/murder of
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			the deceased cannot <i>prima facie</i> ascertain without forming any opinion and consideration of the evidence in totality. 9. Considering the overall facts and circumstances of the case, the Applicant has made out a case for bail. 10. Accordingly, bail application is allowed. It is directed that the Applicant - Chota, who has been accused in FIR No.355 of 2025, dated 20.07.2025 under Sections 103 (1), 61 (2) of BNS, at Police Station SIDCUL, District Haridwar, be released on bail on furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the concerned court. The Applicant shall cooperate with the trial proceedings and shall not misuse the liberty granted to him. (Ashish Naithani, J.) 02.04.2026 Nitesh/
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