

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010013772026</u> <u>BA2/20/2026</u> Vidhu Rathī --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Tapan Singh, learned counsel for the applicant. 2. Mr. Vijay Khanduri, learned Brief Holder, for the State of Uttarakhand. 3. The instant second bail application is moved on behalf of the applicant - Vidhu Rathī S/o Late Joginder Rathī, seeking regular bail in reference to FIR dated 24.04.2024 bearing Case Crime No.0329 of 2024, Police Station Manglaur, District Haridwar, wherein, as many as seven persons, namely, Anshul, Rajesh, Dheeraj, Arpit, Kulveer, Vidhu Master (present applicant) and Nakul have been implicated for the offences punishable under Sections 147, 148, 149, 302, 323, 452, 504, 506, 34 and 120-B of IPC. 4. The first Bail Application No.1599 of 2024 was rejected on 13.02.2025. 5. Now the instant second bail application is moved primarily on the ground that the co-accused - Kunal, Kulveer, Dheraj and Rajesh, have already been enlarged on bail and the present applicant is languishing in jail since 03.06.2024, and up till date out of in total 30 prosecution witnesses only six witnesses have been examined, which indicates that trial is moving at a slow pace and there is no possibility that trial would be expedited soon, and the applicant have no criminal antecedents. 6. On merit, it is argued by the learned counsel for the applicant that as per CDR details, the applicant was not present at the place of incident and was far away since he is serving as a Teacher in primary institution in Tehri Garhwal and the place of incident is far away at a distance of about 60 km at "Gurukul Narsan", in District Haridwar. In addition to this, he also submits that no ground of arrest was provided at the time of arrest. 7. Finally, he concluded his argument by submitting that since the applicant already suffered a long incarceration and there is no possibility that the trial

		would be expedited soon and the other co-accused have been enlarged on bail, therefore, the applicant be released on bail. 8. Per contra, on the other side, Mr. Vijay Khanduri, learned Brief Holder for the State vehemently opposed the bail application by submitting that on the date of the incident, an unlawful assembly consisting of the co-accused persons entered the premises of the deceased and at the time of incident, the co-accused Rajesh was armed with <i>Fawda</i>, Dheraj was armed with <i>Balkati</i> and Arpit and Kuldeep were armed with <i>Lathi and Danda</i>, and the co-accused Vidhu Master, handed over a 315 bore country made pistol to one Nakul co-accused, who then opened fire upon the deceased Bharat, causing his death. He also not disputed that the applicant has no previous criminal antecedents and languishing in jail since 03.06.2024. 9. After hearing the rival submissions of the learned counsel for the parties in the light of the peculiar facts and circumstances of the case on record, it is true that the offence as alleged is a serious offence and is a heinous crime, however, this Court cannot overlook the constitutional and procedural safeguard. The contention that the applicant was not informed of the grounds of arrest remains a significant procedural lacunae. Furthermore, the electronic evidence in the form of CDR location report collected by the concerned Investigating Officer, is completely a subject matter of the trial. Crucially, the applicant has been incarcerated for over 26 months since he is languishing in jail since 03.06.2024, incarcerated for over two years, and out of 30 prosecution witnesses only 6 prosecution witnesses has been examined so far. In view of the law settled by the Hon'ble Apex Court, the continuous pre-trial detention cannot be turned in punitive measure, if the trial is significantly delayed, the other co-accused persons, sharing the similar position of being part of the alleged unlawful assembly are already on bail and the applicant has clean criminal antecedents. Further, there is no material on record to suggest that the applicant, if released, will tamper with the remaining evidence or flee from justice. 10. Accordingly, without expressing any opinion on the final merits of the case, this Court is of the view that the applicant deserves for bail. Accordingly, the instant
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		second bail application is allowed. 11. Let the applicant - "Vidhu Rathi", be released on bail, on his executing a personal bond to the sum of Rs.30,000/- and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:- “(a) The applicant shall join trial court proceedings on each and every date without seeking any unnecessary adjournment. (b) The applicant shall not influence, threaten or coerce any prosecution witness, directly or indirectly. (c) The applicant shall surrender his passport (if any) to the Trial Court and shall not leave the country without leave of the trial court. (d) Trial Court will not be influenced with the observations as above and proceed as per law.” (Rakesh Thapliyal, J.) 24.07.2026 Nitesh/
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