



2026:UHC:2818

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

First Bail Application No. 147 of 2026

Shamsher Singh @ Shera Applicant

Vs.

State of Uttarakhand Respondent

With

First Bail Application No. 157 of 2026

Jashandeep Singh Gill @ Jashan Applicant

Vs.

State of Uttarakhand Respondent

With

First Bail Application No. 180 of 2026

Simrandeep Singh Virk Applicant

Vs.

State of Uttarakhand Respondent

With

First Bail Application No. 181 of 2026

Tanveer Singh Applicant

Vs.

State of Uttarakhand Respondent

Counsel Presence:

Mr. Harshpal Sekhon, learned counsel for the Applicant in BA1 No. 147 of 2026.

Mr. U.K. Uniyal, learned Senior Advocate assisted by Mr. Vikas Kumar Guglani, learned counsel for the Applicant in BA1 No. 157 of 2026.

Mr. Arvind Vashistha, learned Senior Advocate assisted by Mr. Seema Dhingra, learned counsel for the Applicant in BA1 No. 180 of 2026.

Ms. Seema Dhingra, learned counsel for the BA1 No. 181 of 2026.

Mr. S.S. Chauhan, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand.

Mr. Karan Anand, learned counsel for the Informant.

Hon'ble Ashish Naithani, J (Oral)

These four Bail Applications arise out of a single incident of cross-firing that occurred on 28 December 2025 in Preet Vihar, within the jurisdiction of Police Station Rudrapur, District Udham Singh Nagar.

2. The incident stems from a longstanding land dispute between two families and resulted in the death of one labourer, Kartik Poddar, by a gunshot wound. Two FIRs were registered at Police Station Rudrapur in connection with the same incident. FIR No. 0592 of 2025 was lodged on 28 December 2025 by Suraj Kumar Vishwas, a labourer who was present at the scene, against Jashandeep Singh Gill and Kulvinder Kaur under Sections 103(1), 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3/25, 27/30 of the Arms Act.

3. The allegations in this FIR are that Jashandeep Singh Gill fired from the terrace of his house towards the labourers who were standing in the field, and that Kartik Poddar sustained a bullet injury and subsequently died.

4. The First Information Report, bearing FIR No. 0593 of 2025 was registered *suo moto* on 28 December 2025 by Sub-Inspector Kavindra Sharma, the Station House Officer of Police Station Rudrapur, against Simrandeep Singh Virk and ten to twelve unknown persons under Sections 109, 190, 191(2), 191(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023. This FIR was based on the observations made by the police officer upon reaching the scene of incident, alleging that Simrandeep Singh Virk and his associates

were firing with intent to kill towards the house of Kashmir Singh, the grandfather of Jashandeep Singh Gill.

5. During the course of investigation, the names of Shamsher Singh @ Shera and Tanveer Singh were added as the two known associates of Simrandeep Singh who were armed and fired during the incident. Subsequently, Sections 3/25 of the Arms Act were added against all accused persons from whom weapons were recovered. The learned Sessions Judge, Udham Singh Nagar, dismissed the bail applications of all accused persons. The present Bail Applications have been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Heard learned counsel for the parties and perused the records.

7. Learned counsels for all the Applicants jointly submitted that the present applications are first bail applications and that none of the applicants have any criminal antecedents. It is contended that the incident arises out of a civil land dispute which has been given a criminal colour with mala fide intent. FIR No. 593 of 2025 is stated to be a counter-blast to FIR No. 592 of 2025, lodged by a police officer without any independent public complainant, with an unexplained delay. It is further submitted that no person from the side of the applicants in FIR No. 593 sustained any injury. The investigation is substantially complete and continued incarceration would amount to pre-trial punishment.

8. Learned counsel appearing for the Applicant- Jashandeep Singh Gill submitted that he acted in self-defence, as the opposite party, led by Simrandeep Singh, were the aggressors who arrived armed to forcibly take possession of the land. It is submitted that his grandfather immediately informed the police on helpline number i.e. 112, and the pending civil litigation indicates abuse of the criminal process.

9. Learned counsel appearing for the Applicant-Simrandeep Singh Virk submitted that he is the lawful owner of the land, as reflected from revenue records. It is contended that the applicant himself informed the police at 10:50 AM, which reflects his bona fides. It is further submitted that the FIR has been lodged by a police officer without any independent complainant. Mere presence in an unlawful assembly, without any specific overt act, is argued to be insufficient to attract the alleged offences. It is also submitted that the applicant resorted to air-firing in self-defence and no injury is attributable to him.

10. Learned counsel appearing for the Applicant-Shamsher Singh @ Shera submitted that he is not named in the FIR and his implication is solely based on the disclosure statements of co-accused, which cannot be relied upon as substantive evidence. It is further submitted that there is no independent material linking him to the crime and no injury is attributed to him. The alleged recovery is stated to be doubtful and planted, and his bail has been rejected solely on parity with co-accused.

11. Learned counsel appearing for the Applicant-Tanveer Singh submitted that he is neither named in the FIR nor has any connection with the land dispute. It is contended that he had a pre-booked return ticket issued on 9 November 2025 for travel on 30 December 2025, indicating that he was not attempting to abscond but was complying with visa requirements. It is further submitted that there is no cogent material placing him at the scene of occurrence.

12. Learned counsel for the State opposes the bail applications, submitting that the present case involves a serious incident of cross-firing in broad daylight, resulting in the death of an innocent daily wage labourer.

13. It is submitted that accused-Jashandeep is clearly captured in CCTV footage firing multiple shots. He has also been identified by an eyewitness present near the deceased. The weapon of offence has been recovered at his instance, and his conduct of absconding for two days after the incident indicates consciousness of guilt.

14. Learned State Counsel further submits that the Applicant-Simrandeep is stated to be the main architect of the occurrence, having assembled armed associates to forcibly take possession of the land. He actively participated in the incident and fired from his licensed rifle, which has been recovered during investigation.

15. It is further submitted that as regards accused-Shamsher and Tanveer, they have been identified as armed members of the unlawful assembly, their involvement is supported by eyewitness accounts, and weapons have been recovered at their pointing out. It is also submitted that accused-Tanveer was apprehended at IGI Airport while attempting to flee to Italy, pursuant to issuance of a Look Out Circular, which reflects the likelihood of absconding.

16. It is further submitted that the investigation is still ongoing, and in the event the accused are released on bail, there is a strong apprehension of tampering with evidence and influencing or intimidating witnesses.

17. Learned counsel for the Informant adopts the submissions advanced by the State and submits that the occurrence was promptly reported through the police helpline at about 10:50 AM. The incident concerns the murder of an innocent labourer, and the State's case is supported by clear CCTV evidence. It is submitted that considering the gravity and nature of the offence, grant of bail at this stage would be wholly unjustified. Accordingly, it is prayed that all four bail applications be rejected.

18. This Court, after thoughtful consideration, observes that the principles governing the grant of bail are well settled. While the personal liberty of an individual is a cherished right guaranteed under Article 21 of the Constitution of India, the same is not absolute and must be balanced against the nature and gravity of the allegations, the role attributed to the accused, the quality of evidence collected during the investigation, and the larger interests of society.

19. The Court is also required to consider the likelihood of the accused tampering with evidence, influencing witnesses, or absconding from the process of law. At the stage of consideration of bail, a detailed appreciation of evidence is neither warranted nor permissible; however, the Court must be satisfied that the accusations are not frivolous and that the material on record discloses a *prima facie* case.

20. Insofar as Applicant-Jashandeep Singh Gill is concerned, the material collected during investigation, at this stage, *prima facie* indicates his direct and active involvement in the incident. The CCTV footage recovered during investigation, coupled with the statement of an eyewitness who was present in close proximity to the deceased at the time of the occurrence, attributes a specific role to the applicant in relation to the use of a firearm. The recovery of the weapon at his instance and his conduct immediately after the incident are also relevant circumstances which, at this stage, lend support to the prosecution version. These factors, taken cumulatively, indicate that the allegations against the applicant are supported by material of a *prima facie* nature which cannot be disregarded.

21. Having regard to the nature of the accusation, which involves a fatal incident resulting in loss of life, the specific role attributed to

the Applicant-Jashandeep Singh Gill, and the quality of material presently available on record, this Court is of the considered view that it would not be appropriate to enlarge Applicant-Jashandeep Singh Gill on bail at this stage. The possibility of the applicant influencing witnesses or affecting the course of trial also cannot be ruled out in the facts and circumstances of the case.

22. As regards Applicant-Simrandeep Singh Virk, the material on record *prima facie* suggests his active participation in the occurrence. The circumstances emerging from the case diary indicate that he was present at the site of occurrence along with other persons and was not a mere bystander. The recovery of a weapon allegedly used in the incident, along with other material collected during investigation, indicates that a significant role is attributed to him in the events leading to the occurrence. The genesis of the incident, as reflected from the record, further indicates that the situation escalated into violence in the course of the acts in which the applicant is alleged to have been involved. In the considered opinion of this Court, the nature of allegations against Applicant-Simrandeep Singh Virk, the role attributed to him, and the material collected during investigation do not justify the grant of bail at this stage. The gravity of the offence and the circumstances in which the incident occurred require a cautious approach, and this Court is not inclined to exercise its discretion in favour of the Applicant-Simrandeep Singh Virk.

23. However, the case of Applicants-Shamsher Singh @ Shera and Tanveer Singh stands on a distinct footing. From the record, it appears that neither of these applicants was named in the initial FIR, and their implication has arisen during the course of investigation. The material against them, at this stage, primarily consists of statements recorded during investigation and other corroborative circumstances, which, while requiring consideration

at the stage of trial, do not *prima facie* place them in the same category as the principal accused.

24. It is also relevant to note that the investigation has substantially progressed. The material evidence, including weapons and other articles, has been seized, and statements of key witnesses have already been recorded. The further steps in investigation appear to be largely formal in nature. In such circumstances, the continued custodial detention of these Applicants-Shamsher Singh @ Shera and Tanveer Singh is not shown to be necessary for the purposes of investigation.

25. At the same time, the concerns of the prosecution with regard to the possibility of absconding or influencing witnesses cannot be lightly brushed aside. However, such apprehensions can be adequately addressed by imposing stringent conditions to ensure the presence of the applicants during trial and to safeguard the integrity of the prosecution case.

26. Having regard to the overall facts and circumstances, including the nature of allegations, the role attributed to the Applicants- Shamsher Singh @ Shera and Tanveer Singh, the stage of investigation, and the period of custody already undergone, this Court is of the considered view that Applicants-Shamsher Singh @ Shera and Tanveer Singh are entitled to be enlarged on bail, subject to strict conditions. Their continued detention, in the facts of the present case, would not serve any further useful purpose and would be disproportionate at this stage.

27. In view of the aforesaid discussion and reasons recorded hereinabove, this Court is of the considered opinion that the Applicants stand on different footings and are required to be dealt with accordingly.

28. Accordingly, First Bail Application No. 157 of 2026, filed by

Applicant-Jashandeep Singh Gill @ Jashan, is hereby **rejected**. Similarly, First Bail Application No. 180 of 2026, filed by Applicant-Simrandeep Singh Virk, is also **rejected**. However, First Bail Application No. 147 of 2026, filed by Applicant Shamsher Singh @ Shera, is **allowed**. Further, First Bail Application No. 181 of 2026, filed by Applicant Tanveer Singh, is also **allowed**, subject to their furnishing personal bonds and sureties to the satisfaction of the court concerned, along with the following conditions:

- i. The Applicants-Shamsher Singh @ Shera and Tanveer Singh shall not tamper with the prosecution evidence or influence any witness.*
- ii. The Applicants- Shamsher Singh @ Shera and Tanveer Singh shall appear before the trial court on each and every date fixed, unless exempted.*
- iii. The Applicants- Shamsher Singh @ Shera and Tanveer Singh shall not leave the country without prior permission of the trial court.*
- iv. The Applicants- Shamsher Singh @ Shera and Tanveer Singh shall cooperate with the trial and shall not seek unnecessary adjournments.*

29. It is further clarified that observations made herein are only for the purposes of adjudication of the present bail applications and shall not affect the merits of the case at trial.

(Ashish Naithani, J.)

18.03.2026

SB