

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:2960
			<u>BA1 No. 194 of 2026</u> Sachin Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. V.K. Kaparuwan and Mr. Krishan Mohan Joshi, learned counsel for the Applicant. 2. Mr. Vipul Painuly, learned A.G.A and Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Sachin, S/o Late Ashok Kumar, R/o Rawli Mehdood, Police Station SIDCUL, District Haridwar. The Applicant is in judicial custody in connection with Sessions Trial No. 166 of 2025, pending before the IIIrd Additional District and Sessions Judge, Haridwar, arising out of FIR No. 333 of 2025, registered at Police Station SIDCUL, District Haridwar, for the offences punishable under Sections 103(1) and 238 of the B.N.S., 2023. 4. Heard Mr. V.K. Kaparuwan, learned counsel for the Applicant, and Mr. Vipul Painuly, learned Brief Holder for the State. Perused the record. 5. Learned counsel for the Applicant submits that the Applicant has been in judicial custody since 10.07.2025 and has been falsely implicated in the present case. It is contended that the arrest of the Applicant is <i>ex facie</i> illegal, inasmuch as the arrest memo reflects arrest under Sections 105 and 238 of the Bharatiya Nyaya Sanhita, 2023, whereas the FIR was registered under Sections 103(1) and 238 of the B.N.S., 2023, and such inconsistency renders the arrest and consequent custody doubtful. It is further submitted that, in fact, the deceased Ashok Kumar sustained injuries near Raja Biscuit

		Factory, SIDCUL, and upon receiving information, the Applicant along with his younger brother Shivam alias Harsh and mother Smt. Rajni Devi took him for medical treatment. 6. It is further argued that during trial, PW-1 Naeem Ahmed, examined on 30.01.2026, did not support the prosecution case and stated that he had no knowledge of the incident or cause of death. Likewise, PW-2 Sunil Pal alias Dhanger, the complainant and landlord, in his examination-in-chief and cross-examination stated that he had not witnessed any assault upon the deceased, had no knowledge as to how the injuries were caused, and came to know of the death subsequently. It is submitted that the two material prosecution witnesses having not supported the prosecution version, the very foundation on which earlier bail was declined now stands substantially eroded. 7. It is further submitted that the Applicant's mother and younger brother, who were also implicated during investigation, have already been granted bail; the Applicant is only 23 years of age, has no criminal antecedents, belongs to a poor family, and has undergone prolonged pre-trial incarceration. It is also urged that continued detention would amount to pre-trial punishment, impermissible in law, and that grounds of arrest were not duly communicated to the Applicant. 8. Per contra, learned State Counsel has opposed the Bail Application contending that the alleged murder weapon has been recovered by the Investigating Team, bearing blood stains, and has been sent for FSL examination, report whereof is still awaited. It is submitted that the grounds of arrest were duly communicated and there is no defect in the arrest memo. It is further contended that the Applicant is involved in a grave and serious offence and, if enlarged on bail, may misuse the liberty granted.
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