

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:2364
			<u>BA 1st No.200 of 2026</u> "Vishal Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Akshay Pradhan, 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 – Vishal, who has been accused in Case Crime No.07 of 2026, dated 04.01.2026 under Sections 109 (1), 125, 351 (2), 352 and 3(5) of BNSS, 2023 and under Sections 25 (1-B) (A) of the Arms Act, 1959, at Police Station Manglour, District Haridwar. 4. The main ground for consideration in the present bail as advanced by the learned counsel appearing for the Applicant is that firstly the Applicant has not been named in the FIR and he has not been identified in the CCTV footage. It is contended that as per the FIR, which is based on the CCTV footage, three persons are said to be identified and the Applicant – Vishal, is not one of those, thus, the Applicant not being named in the FIR; not present at the time of the incident and not identified in the CCTV footage, the Applicant cannot be roped in the present matter. This clearly shows that he has been falsely implicated in the present matter. It is further submitted that just because his brother – Harsh, has been named in the FIR, he has been falsely implicated in the present matter, and this cannot forms a basis of implicating him the present matter, and thus, it is requested that

		the Applicant may be released on bail. 5. The bail application has been objected by the learned State Counsel firstly on the ground that the CCTV footage records three persons in the present crime and the persons shown to have been involved are Harsh, Himanshu and Hansh. However, during the course of investigation and considering the criminal history of the present Applicant, his name surfaced and came to light in the present matter. Though Applicant – Vishal, who had not been identified as per the CCTV footage of the crime scene, the Applicant emerge as the mastermind and is also said to have been conducted the <i>recce</i> of the said crime. Further it is contended that 315 Bore Pistol was recovered from Vishal, and thus, learned State Counsel has requested that the bail application of the Applicant may be rejected. 6. After hearing the learned counsel for the parties and considering the rival submissions of the parties, at this juncture, I find grounds for bail are sufficient. Firstly, that the Applicant has not been named in the FIR. Secondly, the Applicant has not been identified as one of the culprits, as identified in the CCTV footage concerned, and at this juncture, based on the CCTV footage and as per admission from the other side, it is evident that the Applicant was not present at the crime scene. Just because the prosecution claims that the Applicant has a criminal history and that he being the brother of the one of the accused – Harsh, cannot form the basis in not allowing the bail application of the Applicant - Vishal. The other assumptions as advanced by the learned State Counsel, that during the course of the trial the present Applicant – Vishal was the very person and the master mind behind the crime and instrumental for assisting and aiding the accused persons, is not well founded. As far as the recovery
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		of the 315 Bore Pistol is concerned which is shown to have been recovered from the Applicant, ballistic report needs to be corroborated and on the basis of the ballistic report and other documents and testimony report that can only be seen at the time of the trial. 7. Considering the overall facts and circumstances of the case, the Applicant has made out a case for bail. 8. Accordingly, bail application is allowed. It is directed that the Applicant - Vishal, who has been accused in Case Crime No.07 of 2026, dated 04.01.2026 under Sections 109 (1), 125, 351 (2), 352 and 3(5) of BNSS, 2023 and under Sections 25 (1-B) (A) of the Arms Act, 1959, at Police Station Manglour, 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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