

HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Anticipatory Bail Application No. 7 of 2026

Furkan Applicant

Versus

State of Uttarakhand Respondent

Present:-

Mr. Parikshit Saini, Advocate for the applicant.

Mr. Siddhartha Bisht, AGA for the State.

Mr. Gaurav Singh, Advocate for the informant.

Hon'ble Ravindra Maithani, J. (Oral)

The applicant seeks anticipatory bail in Case Crime/FIR No.1108 of 2022, dated 25.09.2022, under Sections 147, 148, 149, 307, 452, 323, 325, 504, 506, 354, 336, 427 IPC, Police Station Kotwali Manglaur, District Haridwar.

2. Heard learned counsel for the parties and perused the record.

3. Initially the first anticipatory bail application was rejected on 27.11.2025. In fact, the Court had noted that post incident an FIR No.280 of 2025 was also lodged under Sections 115(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023 against the applicant and others at Police Station Manglaur, District Haridwar. CCTV footages are placed in objections which reveal that, in fact, the applicant was seen running with *lathi*. In para 16 of the first bail order, the Court records that according to the Investigating Officer, after hearing the commotion, the applicant was running at the place of incident, which means that the Investigating Officer was aware of the CCTV footages. This fact was also noted at the time of rejection of the first anticipatory bail application that in FIR No.280 of 2025, Final Report was already

filed, but the Court recorded that the informant proposes to file its objections in terms of filing protest petition.

4. Learned counsel for the applicant submits that the informant's protest petition has already been rejected by the court of Judicial Magistrate First, Roorkee, District Haridwar on 23.12.2025. Therefore, there is no reason to deny anticipatory bail to the applicant. The order dated 23.12.2025, by which, the protest petition has been rejected and Final Report has been accepted has been placed as Annexure No.5 to the anticipatory bail application.

5. Learned counsel for the informant submits that the Investigating Officer was hands in glove with the applicant; he had not collected evidence properly; the CCTV footages were not made part of the investigation. Therefore, though the Final Report has been submitted, a complaint case has already pending against the applicant. The statements of witnesses have already been recorded, who supported the case.

6. The Court does not want to comment as to what happened in the subsequent FIR No.280 of 2025 at this stage. The fact remains that a complaint case *qua* the incident is still alive. The order by which protest petition has been rejected records that the CCTV footages were not made part of the investigation.

7. On behalf of the appellant, it is argued that re-investigation may be done. The protest petition's order accepting FIR does not record about the CCTV footages which is stated hereinbefore, were acknowledged by the Investigating Officer, who

records that after hearing the commotion, the applicant was running at the place of incident.

8. As the Investigating Officer made lapses the investigation, whether the FIR No.280 of 2025 filed in the instant case is genuine, this Court may not speculate on it.

9. Having considered the entirety of facts, this Court is of the view that this is not a case, in which, the applicant should be granted second anticipatory bail. The instant second anticipatory bail application deserves to be rejected.

10. The second anticipatory bail application is rejected.

(Ravindra Maithani, J.)
20.03.2026

Sanjay