

JSL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGE'S ORDERS 2026:UHC:2316
			BA1 No.275 of 2026 <u>Hon'ble Ashish Naithani, J.</u> Mr. Pradeep Chamyal, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned AGA for the State. 3. The present bail application has been filed by the applicant, who is in judicial custody in connection with FIR No.336 of 2025 under Section 103(1), 109(1), 351(2), 352, 115(2), 3(5), 61(2)(a), 191(1), 191(2) of B.N.S., P.S. Khatima, District Udham Singh Nagar. 4. Heard learned counsel for the parties. 5. Learned counsel for the applicant submits that though name of the applicant is mentioned in the FIR that with the intention of causing a life threatening injury Pappu Chai Wala (present applicant Mohd. Saddiq Ansari) caught hold of the victim Tushar and thereafter the other co-accused person Hashim inflicted a serious blow on the chest and rest co-accused assaulted him with iron rod and sticks. Further it is mentioned that Shahbaz and Sameer inflicted knife wound on Salman and when Abhay (Babu) tried to intervene he got seriously injured. 6. It is further stated that it is clearly evident as per the FIR that there is no role assigned to the applicant and he has been falsely roped in. 7. It is further stated that the injured person have not supported the prosecution story. It is also contended that essentially ingredients as defined under Section 103(1) and 109(1) of BNS are not made out against the applicant as the prosecution has completely failed to prove the

		motive and intention for the cause of death of the victim. 8. The FIR was lodged by one of the father of the main victim, who died after sustaining the injuries, caused by the applicant during the course of treatment but as per the FIR there are relevant facts, which have not been detailed, moreover complainant was not present on the scene of crime and he is merely a hearsay witness. 9. The applicant has no criminal history and the whole prosecution story is based on fabricated facts that cannot be relied to detain the applicant in jail. It is requested that applicant being innocent person be bailed out. 10. Learned State counsel outrightly opposed the bail application firstly on the ground that at the outset it is clearly evident as per the FIR that the applicant hatched a criminal conspiracy to cause grievous harm with the intention of life threatening injuries to the victim. Secondly, the learned State counsel refutes to the submission, so submitted by learned counsel for the applicant that the grounds of arrest are not clear. It is stated to counter the same that grounds of arrest are clearly mentioned in the arrest memo and later that has to be dealt during the course of trial. There are witnesses, who clearly mentioned the role of the present applicant. P.W.3 Nihal has specifically mentioned his name saying that Pappu (present applicant) caught hold of the deceased while others inflicted injuries on his being and other eye witnesses also supported the incident and at this juncture he should not be released on bail as he may posed threat to the other surviving injured persons.
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