

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
First Bail Application No.361 of 2026

Kuldeep Singh Applicant

Versus

State of Uttarakhand Respondent

Counsel Presence:

Mr. Prem Prakash Bhatt, learned Legal Aid Counsel for the Applicant.

Mr. ChitrarthaKandpal, learned Brief Holder for the State.

Hon'ble Ashish Naithani, J. (Oral)

1. The present bail application has been moved on behalf of the applicantKuldeep Singh seeking enlargement on bail in FIR No. 0292 of 2026, under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 25(1B)(b) of the Arms Act, Police Station Sitaram, District Udham Singh Nagar, during the pendency of trial.
2. The facts in brief, is that the applicant is alleged to have committed the murder of his real younger brother. It is further alleged that the occurrence took place pursuant to a domestic dispute which escalated into a fatal assault. The post-mortem report prima facie, indicates homicidal death caused by weapon injuries. The recovery of an illicit weapon from the alleged possession of the applicant is also shown in the investigation.
3. Heard learned counsel for the parties and perused the material available on record.
4. Learned counsel for the applicant has vehemently submitted that the applicant has been falsely implicated due to a deep-rooted family dispute and has no direct role in the alleged incident. It is contended that the FIR is delayed and has been lodged with deliberation and consultation, thereby diminishing its evidentiary value at this stage.

5. It is further argued that the prosecution case is based purely on circumstantial evidence and there is no independent eyewitness account linking the applicant with the alleged offence. The alleged recovery of weapon is stated to be planted and not supported by any independent public witness, thereby making the recovery highly doubtful.
6. Learned counsel further submits that the alleged motive is vague and speculative in nature, arising out of internal family disputes which cannot by itself form the basis of sustaining a charge of murder.
7. It is further contended that the applicant has clean antecedents, is a permanent resident of the locality, and there is no likelihood of absconding or tampering with evidence. The applicant is stated to be in judicial custody since his arrest and the investigation having been substantially completed, continued detention serves no useful purpose.
8. Learned counsel submits that the prosecution has failed to establish a prima facie chain of circumstances which is complete and excludes every hypothesis except guilt of the applicant, and therefore, the applicant deserves to be enlarged on bail.
9. Per contra, learned A.G.A. has opposed the bail application and submitted that the offence is extremely grave in nature involving the murder of the applicant's own real younger brother, which reflects high culpability and breach of familial trust.
10. It is submitted that during investigation, sufficient incriminating material has been collected against the applicant. The post-mortem report indicates homicidal death caused by weapon injuries, which is consistent with the prosecution version. The recovery of the weapon from the conscious possession of the applicant further strengthens the prosecution case.
11. Learned A.G.A. submits that the argument regarding absence of independent witnesses is not fatal at the bail stage, particularly in rural and family-based offences where independent witnesses are rarely available. The recovery is supported by police witnesses whose testimony cannot be discarded at this stage.

12. It is further submitted that motive is clearly established, arising out of property and domestic disputes between family members, which provides a strong foundation for the prosecution story. The chain of circumstantial evidence, when read cumulatively, prima facie points towards the involvement of the applicant.

13. Learned A.G.A. further submits that considering the seriousness of offence under Section 103(1) BNS, which is punishable with severe penalty, the rigours of bail must be applied strictly. There is also a likelihood that the applicant may influence witnesses or tamper with evidence if released on bail.

14. From the material collected during investigation, it further transpires that immediately after the incident, the applicant was apprehended by members of the public at the spot itself and was directly handed over to the police authorities. Such circumstance prima facie lends support to the prosecution story and cannot be ignored at this stage.

15. This Court further finds substance in the submission advanced by learned A.G.A. that the applicant is closely related to the family of the deceased and, therefore, remains in a position to exert pressure upon material witnesses. The prosecution has specifically alleged that the applicant openly threatened the wife of the deceased in presence of members of the public by stating that she would be next in line. Such conduct, prima facie, reflects a continuing threat perception and creates a serious apprehension of intimidation of witnesses.

16. It is well settled that at the stage of bail, the Court is not required to conduct a detailed examination of evidence but must assess the prima facie nature of accusations, gravity of offence, manner of occurrence, and possibility of tampering with evidence.

17. In the present case, the allegations pertain to the murder of the applicant's own brother, which is a circumstance of considerable significance. The post-mortem report supports homicidal death caused by weapon injuries. The recovery of weapon, though a matter of trial, prima facie connects the applicant with the alleged offence.

18. The contention regarding absence of independent witnesses cannot be a sole ground for grant of bail at this stage, particularly where the occurrence is within a close family setting. The motive emerging from record also lends support to the prosecution version.

19. Having regard to the seriousness of the offence, nature of evidence collected during investigation, and the prima facie involvement of the applicant, this Court is of the view that no case for grant of bail is made out.

ORDER

Accordingly, the bail application is **rejected**.

It is, however, clarified that any observation made herein shall not influence the trial court during the course of trial.

Order accordingly.

(Ashish Naithani, J.)

Dated:20.05.2026

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