

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGES'S ORDERS 2026:UHC:2362
			<u>BA1 No. 362 of 2026</u> Pankaj alias Pinki Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr Prem Prakash Bhatt, learned Legal Aid Counsel for the Applicant. 2. Mr. S.S. Chauhan, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned A.G.A. for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Pankaj @ Pinki, aged about 28 years, S/o Shri Mahaveer Ram, R/o 15 Rest Camp, Kotwali Nagar, P.O. Kotwali, District Dehradun. The Applicant is in judicial custody in connection with FIR No. 0554 of 2023 (Sessions Trial No. 22 of 2024), registered at Police Station Kotwali, District Dehradun, for the offences punishable under Sections 302 and 34 IPC. 4. Heard Mr. Prem Prakash Bhatt, learned Legal Aid Counsel for the Applicant, and Mr. S.S. Chauhan, learned Deputy Advocate General, assisted by Mr. Vikash Uniyal, learned A.G.A. for the State. The record has been perused. 5. The main grounds for consideration of bail, as contended by the learned Legal Aid Counsel, are that the incident was reported by the wife of the deceased, namely Nirmala Devi, on 26.11.2023. As per the report, the deceased (Shambhu) left his house on 26.11.2023 and did not return. On 27.11.2023, at about noon, his dead body was found on the railway tracks with his throat slit. Since there were no eyewitnesses to the incident, the FIR was lodged against unknown persons. It is further submitted that, till date, only three witnesses have been examined and the Applicant, being merely 28 years of age, cannot be linked to the alleged crime. Accordingly, it is prayed that the Applicant

		be enlarged on bail on such terms and conditions as deemed fit by this Court. 6. Learned State Counsel, however, opposes the bail application and refutes the submissions advanced by the learned Legal Aid Counsel. It is submitted that the case is based on circumstantial evidence. The Applicant and co-accused Manoj are being tried under Sections 302 and 34 IPC for the murder of the deceased by slitting his throat and inflicting injuries with a sharp-edged weapon. It is further submitted that the Applicant and co-accused have been implicated on the basis of their confessional statements. At their instance, certain recoveries, including the Aadhaar Card and mobile phone of the deceased, have been made. The Applicant was arrested on the basis of secret information, and clothes worn at the time of the incident were also recovered. Further, a purse, Aadhaar Card, and a receipt of Chhath Puja Mahotsava belonging to the deceased were recovered on the pointing out of the Applicant. The police also recovered a blood-stained stationary knife, one blood-stained stone, and one unstained stone from the place of occurrence. The FSL report supports the prosecution case and links the Applicant and co-accused Manoj with the crime. Hence, it is prayed that the bail application be rejected. 7. At this stage, it is noted that the FIR was lodged against unknown persons. The dead body of the deceased (Shambhu) was found on the railway tracks with his throat slit by a sharp-edged weapon, and there were no eyewitnesses to the incident. The case is based purely on circumstantial evidence. The alleged recoveries at the instance of the Applicant, namely a stationary cutter, Aadhaar Card, mobile phone of the deceased, and a copy of the Chhath Puja receipt, cannot by themselves be a sufficient ground to deny bail at this stage. The evidentiary value and admissibility of such recoveries, as well as the confessional statements of the accused, are matters to be examined during trial. Motive and the FSL report cannot be conclusively
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		determined at this stage beyond reasonable doubt. Thus, a prima facie case for grant of bail is made out. 8. Considering the facts and circumstances of the case and upon perusal of the record, this Court is of the view that, at this stage, sufficient grounds exist for grant of bail. Without expressing any opinion on the merits of the case, the Applicant is entitled to be released on bail. 9. Accordingly, the Bail Application is allowed. 10. Let the Applicant be released on bail upon his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned. 11. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 02.04.2026 Shiksha
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