

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3170
			<u>BA1 No. 388 of 2026</u> Rohit Mandola alias Raja Mandola Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Lalit Sharma, learned counsel for the Applicant. 2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand. 3. Mr. Gaurav Singh, learned counsel for the Complainant. 4. The present Bail Application has been moved by the Applicant—Rohit Mandola alias Raja Mandola, S/o Shri Bhupendra Singh Mandola, R/o Haripur Lalmandi Niwad Rampur Road, Ganna Centre Haldwani, District Nainital. The Applicant is in judicial custody in connection with FIR No. 201 of 2025, registered at Police Station Haldwani, District Nainital, for offences punishable under Sections 109, 191(3), 115(2), 352, 351(2), 351(3), 324(4), 324(5), 3(5) of B.N.S., 2023 and under Section 3/25 of the Arms Act, 1959. 5. Heard Mr. Lalit Sharma, learned counsel for the Applicant, Mr. N.S. Kaniyal, learned A.G.A. for the State and Mr. Gaurav Singh, learned counsel for the Complainant. Perused the record. 6. The FIR, in nutshell, is that the informant and his companions were intercepted by the present Applicant along with 10-12 armed associates, who, in furtherance of common intention, allegedly assaulted them with firearms and blunt weapons, fired gunshots causing injuries to Complainant's brother-Bhupendra Singh and others, damaged vehicles and extended threats to kill before fleeing from the spot. The prosecution alleges an unlawful armed assault with a specific role attributed to the present Applicant in the firing

		incident. 7. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated and has been made a scapegoat in the commission of crime. It is submitted that charge-sheet has already been filed and co-accused have been enlarged on bail, therefore, the Applicant is also entitled to parity. It is further contended that though gunshot injury is alleged, the injury on the knee is on a non-vital part and not dangerous to life; that the alleged mobile video has no certification under Section 65-B of the Evidence Act and the maker thereof is not cited as witness; that no credible incriminating evidence exists against the Applicant; and further that arrest was effected in violation of the provisions of B.N.S.S., 2023, as grounds of arrest were not communicated. On these grounds, prayer has been made to enlarge the Applicant on bail. 8. Per contra, learned counsel for the complainant opposed the bail application and submitted that the Applicant is specifically attributed the role of intentional firing causing two gunshot injuries, one near the ribs and another on the leg; the weapon used in the incident has been recovered from his possession; and the Applicant, being main assailant, stands on a different footing than co-accused and cannot claim parity. 9. Learned A.G.A. also vehemently opposed the bail application and submitted that the video footage collected during investigation depicts the presence of the present Applicant armed with pistol; that the illegal 32 bore pistol allegedly used in the incident has been recovered from the possession of the Applicant leading to addition of offence under Section 3/25 of the Arms Act; and that if released on bail, there is every likelihood of influencing prosecution witnesses.
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10. Having heard rival submissions and upon perusal of the record, this Court finds that the allegations against the Applicant are grave in nature and a specific overt act of firearm use has been attributed to him. The role assigned to the present Applicant distinguishes his case from co-accused enlarged on bail and, *prima facie*, the plea of parity does not come to his aid. At this stage, considering the nature and gravity of accusations, severity of punishment in the event of conviction, recovery allegedly effected, and the possibility of influencing prosecution witnesses, this Court is not inclined to exercise discretion in favour of the Applicant.

11. Accordingly, the Bail Application is rejected.

12. However, it is clarified that any observations made herein are only for the purpose of adjudication of the present bail application and shall not influence the trial on merits.

13. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

27.04.2026

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