

21. BA] SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGE'S ORDERS 2026:UHC:3035
			BA1 No.394 of 2026 Malkeet Singh Vs. State of Uttarakhand <u>Hon'ble Ashish Naithani, J.</u> Mr. Lalit Sharma, learned counsel for the Applicant. 2. Mr. N.S. Kanyal, learned AGA and Mr. Dinesh Chauhan, learned AGA for the State. 3. Present bail application is moved by the applicant, who is in judicial custody in connection with Case Crime No.156 of 2024 for the offences punishable under Section 103(1), 109, 3(5) of Bhartiya Nyaya Sanhita and under Section 4/25 of Arms Act, Police Station Nanakmatta, District Udham Singh Nagar. 4. The case of the prosecution according to the FIR is that informant-Swaroop Singh lodged the FIR with the allegation that his two real brothers Malkeet Singh and Milkha Singh @ Mila had grudge against him regarding some ancestral property. On 23.08.2024 when the informant was sleeping after having the meal and his two sons Balwinder Singh and Bunty were sleeping on the veranda inside the room and he was sleeping on the cot outside the room at about 11 o'clock in the night Malkeet Singh (applicant) and Milkha Singh suddenly attacked both of his sons with a sharp weapon and before they could understand what had happened the accused persons fled away from the spot and both of his sons were then taken to the Government Hospital with the help of the villagers where Balwinder Singh was declared dead and another son Bunty's condition was reported to be critical. It is stated that the

		informant-father of the deceased is reported to have seen the entire incident. 5. Learned counsel for the applicant submits that the applicant has been falsely roped in the present case. It is submitted that the bare reading of the FIR clearly reveals that there is no specific allegation against the applicant in the commission of the crime as there were no eye witness present on the spot; there is no motive or specific role as to why the assailants attacked the deceased and his brother. It is submitted that nothing has been recovered from the possession of the present applicant or on his pointing out and only on the basis of suspicion the applicant has been made scapegoat in the crime. 6. It is submitted that it is an admitted version of the informant that an altercation took place between the parties, who are brothers of the informant, due to property dispute and the present FIR is nothing but just to falsely implicate the applicant, so that he can grab the share of the applicant in the ancestral property. Apart from this neither the applicant nor the co-accused was caught red handed by the informant or any other person. Further it is submitted that it is an admitted version that the informant, his daughter and daughter-in-law were sleeping in front of the room where the injured and deceased were sleeping but no one had heard even a bit of noise when the co-accused, as alleged, had made entry in the house and committed the alleged crime. It is submitted that during the course of trial the statement of the informant clearly reveals that he did not see the applicant or co-accused entering the house and also has admitted an enmity of his family with the applicant and co-accused relating to some ancestral property. Further referring to the
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			testimony of the other injured Bunty, who was present with his brother Balwinder Singh (deceased) has not supported the prosecution version and has been turned hostile; in his cross examination, his statement do not inspire confidence that would support the prosecution story and hence it is said that the whole prosecution story is under the cloud of doubt and leaving a large margin for the applicant to be released on bail. 7. The informant-father of the deceased, in his statement, has clearly supported the incident and the post mortem report and the statement of the doctor also supported the prosecution story. 8. Learned State counsel opposed the bail application and submits that there was a rivalry between the applicant and the informant family for some ancestral land and the same carrying the motive due to this reason deceased was murdered. He submitted that it is a heinous crime and bail of the applicant should be rejected. 9. After hearing the learned counsel for the parties and considering the facts and circumstances of the case, this Court is of the view the applicant be released on bail. 10. Accordingly, bail application is allowed. Let the applicant-Malkeet Singh be released on bail on his executing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned. (Ashish Naithani, J.) 23.04.2026 Arti
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