

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:3126
			BA <u>1st</u> No.395 of 2026 "Digendra @ DK Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Subhash Chand Burman, learned counsel for the Applicant through VC. 2. Mr. Dinesh Chauhan, learned AGA for the State of Uttarakhand. 3. In the High Court of Uttarakhand, the present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Digendra @ DK, who has been accused in FIR No.237 of 2025, under Section 109 of Bharatiya Nyaya Sanhita and under Section 3/25 of the Arms Act, at Police Station Kankhal, District Haridwar. 4. The prosecution story is that on 26.08.2025, an FIR was lodged by the informant against the Applicant with one more person for the offence punishable under Section 109 of BNS, at Police Station Kankhal, District Haridwar, with an allegation that the informant who is a student of "Gurukul Kangri Deemed University" and is currently pursuing MA, that while returning home after the completion of classes, the informant along with his friends, namely, Uday Pratap, Pratham Rana and Anant Tyagi, and when they reached "Aman Chowk", two bike riders, namely, Aakas Pal and D K Lalpuriya, who opened fire upon them with the purpose of causing hurt, somehow they managed to escape, and it is mentioned that D.K. Lalpuriya, was the person to open the fire on them.

		5. Learned counsel for the Applicant submits for the consideration of the bail. Firstly, it is no injury case and there were no independent witnesses to fortify the said incident and there is a delay in lodging of FIR, and the charge-sheet has been submitted whereby there is no scope for further interrogation and there is no recovery of the weapons alleged to have fired, and thus, it is requested that the Applicant may be enlarged on bail on whatever grounds this Court wishes to impose upon him. 6. The bail application has been opposed by the learned State Counsel. Firstly, on the ground that the contention of the learned counsel for the Applicant is misleading that there was no recovery of the fire arms, whereas one live cartridge, two countries made pistol and one pistol was recovered from the Applicant. It is further stated that as per call detail records, the Applicant was located on the crime spot and further it is stated that he has been absconding and if he is enlarged on bail, he may abscond and further default the bail, and it is requested that the bail may not be granted bail. 7. After hearing the learned counsel for the parties, this Court finds that the grounds for bail are found to be sufficient. Firstly, on the ground that there is no injury attributed to the said crime on the person of the informant or his friends. Secondly, no independent witnesses have been shown who would corroborate the incident. Thirdly, FIR being lodged with an unexplained delay and that charge-sheet has been submitted. So far as the contention of the learned State Counsel that the Applicant had been absconded, a strict imposition in this regard while granting the bail may be
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imposed.

8. Considering the overall facts and circumstances of the case, the Applicant has made out a case for bail.

9. Accordingly, bail application is allowed. It is directed that the Applicant - Digendra @ DK, who has been accused in FIR No.237 of 2025, under Section 109 of Bharatiya Nyaya Sanhita and under Section 3/25 of the Arms Act, at Police Station Kankhal, District Haridwar, be released on bail on furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the concerned court. The Applicant shall cooperate with the trial proceedings and shall not misuse the liberty granted to him. While he is in furlough, he is directed to observe the following conditions:-

i. The Applicant shall maintain peace and tranquillity.

ii. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

iii. In case, the Applicant misuses the terms and conditions of the bail granted to him, prosecution/State will be at liberty to move an appropriate application before this Court.

(Ashish Naithani, J.)

24.04.2026

Nitesh/

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