

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			Judgment reserved on:17.07.2026 Judgment delivered on:30.07.2026 <u>UKHC010045172026</u> <u>BA1/447/2026</u> Anas Qureshi --Applicant Versus State of Uttarakhand --Respondent With <u>UKHC010046332026</u> <u>BA1/460/2026</u> Zaid Qureshi --Applicant Versus State of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Arvind Vashistha, learned senior counsel assisted by Ms. Devanshi Joshi, learned counsel for the applicants. 2. Mr. Himanshu Sain, learned AGA, for the State of Uttarakhand. 3. Mr. R.P. Nautiyal, learned senior counsel assisted by Mr. Birendra Singh Adhikari, learned counsel for the respondent. 4. These two bail applications are moved on behalf of the applicants Zaid Qureshi S/o Islam and Anas Qureshi S/o Islam, seeking regular bail in Session Trial No.114 of 2025, arising out of Case Crime No.239 of 2025, Police Station Kotwali Roorkee, District Haridwar, wherein, the applicants are facing the trial for the offences punishable under Sections 103, 115 (2), 191 (2), 190, 191 (3), 117 (2) and 352 of BNS, 2023, read with Sections 4/25 of the Arms Act. 5. Learned senior counsel for the applicant submits that the present applicants have been falsely implicated due to an enmity and the entire prosecution story is wholly concocted and lacks credibility. He submits that the FIR was lodged on 09.07.2025, bearing Case Crime No.239 of 2025, against 12 persons, but during investigation six persons were exonerated which itself casts serious doubt on the veracity of the prosecution version and reflects material inconsistencies. He submits that in total six persons have been chargesheeted, out of which four co-accused persons, namely, Majid Qureshi, Mohd. Raza Qureshi, Asif Qureshi and Sueb Qureshi, has been enlarged on bail by the coordinate Bench on 17.02.2026, 11.03.2026 and 19.03.2026, and therefore,

		these two applicants be also enlarged on bail. He also submits that the present applicants are also injured in the said incident, but the concerned Investigating Officer has not explained the injuries of the persons from the side of the applicants and even their complaint was not registered. Consequently, an application was moved under Section 156 (3) of CrPC, which is still pending for consideration. 6. Learned senior counsel for the applicant further submits that the prosecution assigns a <i>Tabal</i> (chopping weapon) to the applicant Zaid Qureshi and a knife to the applicant Anas Qureshi and both these weapons are sharp edged weapons, however, the post-mortem report indicates that cause of death is a head injury caused by a "hard and blunt object", thus, medical evidence completely falsify the version of the prosecution, as sharp edged weapons cannot cause injuries typical of blunt object. He submits that investigation was conducted in a biased manner since the prosecution completely failed to explain the injuries of the injured persons from the side of the applicants. He also submits that both the applicants have no criminal antecedents and there is no likelihood of their absconding or tampering with the prosecution witnesses. The applicants are languishing in jail since 10.07.2025. 7. Finally, he concluded his argument by submitting that the case of the present applicants stands on a similar footing with the other co-accused, namely, Majid Qureshi, Mohd. Raza Qureshi, Asif Qureshi, who have already been enlarged on bail by the coordinate Bench. 8. Per contra learned AGA for the State and Mr. R.P. Nautiyal, learned senior counsel assisted by Mr. Birendra Singh Adhikari, learned counsel for the informant/victim vehemently opposed the bail application by submitting that a specific role has been assigned to both the applicants since at the time of the alleged incident, the applicants Zaid Qureshi, was held <i>Tabal</i> while Anas Qureshi, yielded knife and both the weapons were recovered on the pointing out of the applicants and though as per the post-mortem report the cause of death is shown to be caused by shock and haemorrhage due to ante mortem head injury and such injury can also be caused by sharp edged weapon and there is no dispute that <i>Tabal</i> and knife are the sharp edged weapon, which was used in the commission of
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		the crime by both the applicants. 9. In a reference to the injuries on the applicants side Mr. Nautiyal, learned senior counsel submits that the injuries of the injured from the side of the applicants are old wounds and did not occur during this incident, and furthermore, no cross case or FIR has been registered by the applicants side, and also submits that the pending application under Section 156 (3) of CrPC is an afterthought to develop a false defence. 10. I have considered the rival submissions and examine the material available on record. There is a stark contradiction between the ocular description (use of sharp edged weapon like <i>Tabal</i> and knife) and the medical opinion (fatal head injuries exclusively caused by hard and blunt object). At this juncture, when the trial is going on, it cannot be conclusively distinguished that the injuries were caused only by a hard and blunt object since certain blunt force impacts can be caused by blunt side of sharp edged weapon like <i>Tabal</i>. The opinion of the Doctor who conducted the post-mortem cannot be evaluated microscopically at this stage and doing so would amount to a mini trial and also prejudice the ongoing trial. The offences are heinous and serious and the incident was caused by group of six accused persons acting with the common intention and predetermined motive to commit murder. The applicants do not deserve the benefit of parity simply for the reason that four other co-accused persons has been enlarged on bail. Specific weapons (<i>Tabal</i> and knife) were recovered on pointing out of these two applicants. The offence under Section 103 of BNS, 2023 is exceptionally a heinous offence. The argument regarding medical discrepancies is premature and cannot be examined at this stage. 11. Consequently, I do not find any good ground to enlarge the applicants on bail. Consequently, both the bail applications are rejected. 12. Considering that the applicants are in custody since 10.07.2025, the Trial Court is directed to expedite the proceedings of Sessions Trial No.114 of 2025, without being influenced with the observation as above. (Rakesh Thapliyal, J.) 30.07.2026 Nitesh/
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