

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3554
			<u>BA2 No. 46 of 2026</u> Sachin Nabyal Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Mr. Imraj Singh Rautela, learned counsel for the Applicant. 2. Mr. Deepak Bisht, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand. 3. The present Second Bail Application has been moved by the Applicant—Sachin Nabyal, who is in judicial custody in connection with F.I.R. No. 016 of 2025, registered at Police Station Dharchula, District Pithoragarh, for offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. 4. Heard Mr. Imraj Singh Rautela, learned counsel for the Applicant, and Mr. Deepak Bisht, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned Brief Holder for the State. Perused the record. 5. The First Bail Application preferred by the Applicant was rejected by this Court vide order dated 06.01.2026. 6. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case. It is contended that from a bare perusal of the charge-sheet, the allegation of stabbing is specifically against co-accused Chandu Khair and no specific injury has been attributed to the present Applicant. It is further submitted that the Applicant had no direct or indirect role in the alleged

		incident and has been implicated merely on suspicion and due to ulterior motives. Learned counsel for the Applicant also submits that the alleged recovery of the murder weapon, namely the knife, was made from co-accused Chandu Khair on 25.06.2025 and no recovery whatsoever has been made from the present Applicant. It is further argued that no motive has been attributed to the present Applicant by the prosecution for commission of the alleged offence. 7. Learned counsel for the Applicant further submits that co-accused Ramesh Singh has already been enlarged on bail by this Court vide order dated 15.11.2025 and, therefore, the present Applicant is also entitled to be enlarged on bail on the ground of parity. It is also submitted that the Applicant has no criminal history, is aged about 29 years and has been languishing in judicial custody for a considerable period. Learned counsel lastly submits that there is no allegation that the present Applicant inflicted any stab injury upon the deceased. It is submitted that the first bail application of the applicant was rejected primarily on the allegation that the applicant had held the hands of the deceased while the co-accused inflicted knife injuries. However, after examination of PW1 to PW5, no witness has specifically stated that the present applicant had held the deceased during the assault or had played any such distinct overt act. 8. Per contra, learned D.A.G. appearing for the State has opposed the bail application contending that no fresh ground or substantial change in circumstances has been brought on record after rejection of the First Bail Application so as to warrant reconsideration of the prayer for bail. It is further submitted that the trial is already in progress and, till date, no less than five prosecution witnesses have been examined, all of whom have supported the prosecution case and have specifically proved the
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			complicity of the present Applicant in the commission of the alleged offence. It is, thus, contended that the present Second Bail Application is liable to be rejected. 9. At this juncture, it is observed that the trial has indeed commenced and has progressed to a limited extent. However, despite the lapse of considerable time, only PW-1 to PW-5 have been examined so far, out of a total of 34 prosecution witnesses cited by the prosecution. The substantial number of witnesses yet to be examined clearly indicates that the conclusion of the trial is likely to take a considerable period of time. Continued incarceration of the present applicant for an indefinite duration, pending completion of trial, would therefore not be justified, particularly when the trial is progressing at a slow pace. 10. It is further noteworthy that, upon perusal of the statements of the witnesses examined till date, no witness has specifically attributed any overt act or distinct role to the present applicant in the commission of the alleged offence. At this stage, the exact nature and extent of the applicant's involvement remains a matter to be determined during the course of trial. 11. This Court has also taken into consideration the fact that the present applicant does not have any criminal antecedents and there is no material on record indicating previous involvement in any criminal activity. 12. Considering the period of incarceration already undergone by the applicant, the slow progress of the trial, the absence of any specific role assigned to the applicant by the witnesses examined till date, and further taking into account that the applicant has no criminal history, this Court is of the considered opinion that the applicant has made out a fit case for grant of bail. 13. Accordingly, without expressing any opinion on the merits of
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			the case, this Court is inclined to grant bail to the present applicant during pendency of the trial. Accordingly, the Bail Application is allowed. 14. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned. 15. All pending applications, if any, stand disposed of. (Ashish Naithani, J.) 07.05.2026 SB
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