

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3005
			<u>BA1 No. 652 of 2026</u> Gurbaj Singh alias Maanu Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. D.N. Sharma and Ms. Manju Bahuguan, learned counsel for the Applicant. 2. Mr. S.S. Chauhan, learned Deputy Advocate General for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Gurbaj Singh alias Maanu, S/o Preetam Singh, R/o Village Kalkatta, Police Station Gadarpur, District Udham Singh Nagar. The Applicant is in judicial custody in connection with FIR No. 130 of 2025, registered at Police Station Gadarpur, District Udham Singh Nagar, for the offences punishable under Sections 109, 115(2), 126(2) and 351(2) of B.N.S., 2023. 4. Heard Mr. D.N. Sharma, learned counsel for the Applicant, and Mr. S.S. Chauhan, learned Deputy Advocate General for the State. Perused the record. 5. Learned counsel for the Applicant submits that there is unexplained and inordinate delay in lodging the FIR and there is no independent witness of the alleged occurrence despite the fact that the incident is stated to have taken place at a public place. It is further submitted that no recovery of any alleged weapon has been effected from the possession of the present Applicant and there is no credible material to connect him with the alleged offence except bald and omnibus allegations. It is also submitted that the offences alleged are triable by the Court of Sessions and the trial is likely to take substantial time; therefore, prolonged pre-trial detention would

		amount to punishment before conviction, which is impermissible in law. Learned counsel further submits that the Applicant is in judicial custody since 02.01.2026 and has been falsely implicated merely on the basis of a fabricated complainant story. It is further submitted that co-accused has already been granted bail by this Court vide order dated 19.03.2026 and the case of the present Applicant stands on parity. Accordingly, prayer has been made to enlarge the Applicant on bail. 6. Per contra, learned State Counsel has opposed the Bail Application contending that considering the seriousness of allegations, the Applicant is not entitled to bail. 7. After hearing learned counsel for the parties and upon perusal of the record, this Court finds that the FIR is stated to have been lodged with delay, no recovery of weapon has been shown from the possession of the Applicant and the allegations against the Applicant, <i>prima facie</i>, require scrutiny during trial. This Court also takes note of the fact that the Applicant is in custody since 02.01.2026 and the trial is likely to take time to conclude. Further, co-accused having already been granted bail by this Court and the case of the present Applicant standing on similar footing, the Applicant is also entitled to parity. 8. Without expressing any opinion on the merits of the case, considering the nature of accusations, period of incarceration undergone, parity with co-accused and attending facts and circumstances of the case, this Court is of the view that the Applicant has made out a fit case for grant of bail at this stage. 9. Accordingly, the Bail Application is allowed. 10. 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.
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