



2026:UHC:3708

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 155 of 2026

14 May, 2026

Mukul Jain

--Applicant

Versus

State Of Uttarakhand

--Respondent

Presence:-

Mr. Vikas Kumar Guglani, Advocate for the Applicant.

Ms. Sweta Dobhal, learned Brief Holder for the State.

Mr. Vikas Kumar, learned counsel with Ms. Zainab Parveen, learned counsel for the complainant..

(Rakesh Thapliyal, J.)

1. The present applicant Mukul Jain, S/o Ramesh Chandra Jain is praying for anticipatory bail in reference to FIR dated 20.04.2026 bearing FIR No. 0037 of 2026, registered at P.S. Kaladhungi District Nainital wherein he along with two others, namely, Hajari Lal and Rahul Gautam were implicated for the offence punishable under section 110 of BNS 2023.

2. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated since complainant is in collusion with the police and no specific role has been assigned to him and he never assaulted anyone, as alleged in the FIR. He also submits that there is an inordinate delay in lodging the FIR since alleged date of incident is 08.04.2026 and FIR has been lodged on 20.04.2026 that is almost after 20 days. He further submits that even from the contents of the FIR no cognizable offence is made out against the applicant and even otherwise the injuries were not so serious which can



be presumed to be danger to life and the applicant is not the hard core criminal and has no past criminal antecedent and the police official of P.S. Kaladhungi are unnecessarily harassing him and he undertakes to cooperate with the investigation, however, since, there is an apprehension of arrest he may be granted anticipatory bail. In addition to this learned counsel for the applicant submits that the conduct of one Pankaj Verma who brought the husband of the complainant from Haldu Uttarakhand in a car in a serious condition without taking him to the nearest hospital is also doubtful.

3. In para 13 of the affidavit it is also contended that the offence in which present applicant has been implicated is punishable for less than seven years, therefore, the I.O. has to follow the guidelines as formulated by the Hon'ble Apex Court in the case of Arnesh Kumar vs. State of Bihar.

4. The objection has been filed by the complainant copy of which in advance was given to the learned counsel for the applicant.

5. It is argued by the learned counsel for the complainant that during treatment in Sir Ganga Ram Hospital, the husband of the complainant died on 07.05.2026. On this, specific question is asked from Mr. Guglani why this fact he has not disclosed in the anticipatory bail application then he submits that the applicant was not aware about the death of the injured and this fact came in his knowledge when the respondent/complainant apprise to this Court.

6. In the objection, the complainant placed on record the



complete detail of medico-legal summary of the deceased of Sir Ganga Ram Hospital and as per this report there were multiple head injuries. The clinical history of department of neurosurgery of Sir Ganga Ram Hospital is also enclosed at page 19 and I perused the same, the relevant extract of which is as under:

The patient was admitted with above mentioned complaints. Ncct head was done which revealed: Linear undisplaced fracture is seen in frontal bone with fracture line seen extending in roof of frontal sinus with fracture seen in left nasal bone. Multiple haemorrhagic contusions seen bilateral basifrontal loge and in bilateral anterior temporal lobe, SAH is seen bilateral high frontal lobe, bilateral sylvian fissure, bilateral basifrontal lobe and temporal lobe. The relatives were explained about the critical condition and guarded prognosis of the patient and that he may require active neurosurgical intervention in view of clinic-radiological deterioration. The relatives were also explained that patient may continue to deteriorate inview of hypothalamic edema and may required ICU or ventilator support. The patient was started on IV antibiotics, antiepileptics cerebral decongestants and other conservative managements. Orthopedics reference was sought, X-ray chest done, S/o no bony fractures and their advice was followed. The condition of patients improved gradually. Serial NCCT head was done, which was satisfactory with increasing mass effect, cerebral decongestant increased accordingly. Patient had seizure in the morning of 15th April followed by bradycardia, urgent ICU reference was sought and he was intubated and shifted to ICU. Repeat NCCT head showed increasing mass effect with no effacement of basal cistern and no brain step compression and patient was put on elective ventilation. Patient is planned for urgent MRI brain. MRI was done which revealed : reveal in the frontal and temporal lobes bilaterally, with marked cerebral and cerebellar.

7. Apart from this, it is also contended in the objection that the present applicant since long back was associated with the deceased Vaibhav Kumar, since, both of them were doing business but there was business rivalry in between both of them which is evident from the fact that after that incident no attempt was made by the applicant for registration of the Zero FIR. Learned counsel for the complainant submits that this is admitted fact that at the time of the incident the applicant was with the deceased and there is no doubt on this, and submits that not only this even the applicant is not cooperating with the



investigating agency. He submits that in fact the present applicant is absconder and is a proclaimed offender and not only this he through his associates giving regular threat to the complainant, wife of the deceased. He submits that the present applicant did not make any attempt to register the FIR and even otherwise during the period of the treatment in Sir Ganga Ram Hospital he never visited the hospital and now after registration of the FIR instead of cooperating with the investigation he is giving regular threat through his associates to the complainant. He submits that applicant is an absconder and not cooperating with the investigation and is a proclaimed offender, therefore, he does not deserve for anticipatory bail in the light of the judgment of the Hon'ble Apex Court in the case of Lavesb VS. State (NCT of Delhi), Criminal Appeal No. 1331 of 2012 decided on 21.08.2012, as reflected from para 10 of the judgment which reads as under:

"10. From these material and information, it is clear tht the present appellant was not available for interrogation and investigation and declared as "absconder". Normally, when the accused is "absconding" and declared as a "proclaimed Offender", there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code is not entitled the relief of anticipatory bail."

8. In response to this, then Mr. Guglani, learned counsel submits that there is a complete procedure to declare the accused as proclaimed offender and one of the precondition is that the bailable warrant has to be issued but in this particular case no such bailable warrant is issued even no attempt was made by the I.O. to get warrant by the concerned court. Mr. Gulani, placed reliance on the judgment of the Coordinate Bench dated 26.02.2024 passed in ABA No. 149 of 2022.

9. I have gone through with the judgment passed by the



Coordinate Bench which has been relied upon by Mr. Guglani but the facts of the said case are entirely different to the present one. In that case the counsel for the State, on instructions, submits that the proclamation under Section 82 Cr.P.C. was never been published whereas in the present case learned Brief Holder for the State apprise to this Court that there is proper publication, therefore, arguments as advanced by the learned counsel for the applicant is out rightly rejected.

10. Another judgment as placed reliance by Mr. Guglani, is of the Hon'ble Apex Court in the case of *Asha Dubey vs. State of Madhya Pradesh*, 2024 SCC OnLine SC 5633, wherein he placed reliance on para 8 and 9 and by referring this judgment he submits that in the event of the declaration under Section 82 of the Cr.P.C. there is no such embargo on considering the application for the grant of anticipatory bail.

11. This Court is fully agree with the submission of the learned counsel for the applicant but, the present case are entirely different, this Court is examining the facts of the present case including the conduct. In the present case there is one eye witness, driver of the deceased, namely, Pankaj Jain and his statements were placed on record and I have gone through with that and on perusal of the statements it reveals that from day one till the incident was happened the applicant was with the deceased, therefore, if no such incident was caused by the applicant then he has to report to the nearest police station or make an attempt to admit the injured to the hospital which he has not done and even he has not make an attempt to inform the family members of the injured, who subsequently died.



12. Learned Brief Holder for the State also shown video clips of the incident but this is not the stage this Court should give any opinion on these since this is part of the investigation and giving observation or the opinion will certainly effect the ongoing investigation and to some extent may also prejudice to the applicant.

13. After gone through with the statement of the eye witness what this Court has observed that at this stage that the present applicant took active participation in the commission of the incident in which the injured got grievous injury on most vital part of the body which is evident from the clinical history of Sir Ganga Ram Hospital.

14. After hearing the arguments of the learned counsel for the parties and taking into consideration the objection of the respondent/complainant, the FIR including the statement of the eye witness and the clinical history of deceased this Court is of the view that the present applicant does not deserve for anticipatory bail and the same is accordingly dismissed.

15. After dictating the judgment, Mr. Guglani, learned counsel for the applicant submits that the applicant is now ready to surrender before the Court concerned within a week positively from today.

(Rakesh Thapliyal, J.)

Parul