

**HIGH COURT OF UTTARAKHAND AT NAINITAL****First Bail Application No. 808 of 2026****06 August, 2026**

Nishi Tyagi

--Applicant

**Versus**

State Of Uttarakhand

--Respondent

-----  
Presence:-

Mr. Arvind Vashistha, learned Senior Advocate assisted by Ms. Devanshi Joshi, learned counsel for the applicant.

Mr. G.S. Sandhu, learned Addl. Advocate General with Mr. Deepak Bhardwaj, learned Brief Holder for the State.

3. Mr. Ramji Srivastava, learned counsel for the complainant.

  
-----**(Rakesh Thapliyal, J.)**

1. Instant bail application is moved on behalf of the applicant Mrs. Nishi Tyagi, w/o Late Vinay Tyagi, R/o Meerut, Uttar Pradesh for seeking bail in connection with FIR dated 08.10.2025 bearing FIR No. 357 of 2025, P.S. Nehru Colony, District-Dehradun lodged by one Sanjeet Kumar wherein initially three persons, namely, Vinay Tyagi, Rajan Singh and Hari Om Tyagi were implicated for the offences punishable under Section 2/3 of U.P. Gangsters and Anti Social Activities (Prevention) Act 1986.

2. The matter was heard at length on different occasions since the learned counsel for the applicant seriously attack on the supplementary Gang Chart prepared on 13.01.2026 wherein first time the applicant is shown to be gang member, though, in the original Gang Chart only three persons,



namely, Vinay Tyagi, Rajan Singh and Hari Om Tyagi were included.

In the supplementary gang chart only one case has been shown against the applicant, i.e. case crime no. 325 of 2025 arising out of FIR lodged on 15.09.2025 at P.S Nehru Colony District Dehradun against unknown persons for the offence punishable under Section 305(A) of BNS 2023. In the FIR during investigation Vinay Tyagi was arrested on 27.09.2025 and subsequent thereto on 22.11.2025 Rajan Singh was arrested and from them some stolen/looted articles were also recovered and thereafter on disclosure of applicant's name a search was conducted in the house of Nishi Tyagi on search warrant on 03.12.2025 and during search one gold coin, 17 silver coins, Rs. 18,000/- in cash along with one registered sale deed of wife of the informant (Pramod Tyagi informant of FIR No. 325 of 2025) was also recovered.

3. During search, the husband of the applicant Vinay Tyagi was already in judicial custody in connection with case crime no. 325 of 2025 who was also involved in other cases and one such was pending at Laksar and in order to produce him Laksar Court he was boarded in a police van on 24.12.2025 in order to ensure his presence before the Trial Court but in the mid way he was shot under mysterious circumstances and after sustaining gunshot injuries he was taken to AIIMS Rishikesh where he died on 27.12.2025.

4. Thereafter the present applicant preferred a petition, i.e., WPCRL No. 117 of 2026 wherein she pray for CBI investigation in reference to the incident of 24.12.2025 in which Vinay Tyagi shot and injured. Coordinate Bench in this



petition on 10.01.2026 invite counter affidavit from the State as well from the CBI and during the pendency of this petition the supplementary gang chart was prepared on 13.01.2026.

5. It is argued that that till such time the supplementary gang chart was prepared the applicant was not wanted in case crime no. 325 of 2025 and only when she filed writ petition before this Court for CBI investigation only thereafter she is implicated under the Gangsters Act by preparing supplementary gang chart showing only one case against her, i.e. Case Crime No. 325 of 2025 arising out of FIR lodged at P.S. Nehru Colony on 15.09.2025. It is argued that with mala fide intent the applicant is implicated under the Gangsters Act in order to frustrate the pending WPCRL no. 117 of 2026 wherein she prayed for CBI investigation.

It is further argued that in this petition a statement was given that reference to the incident in which Vinay Tyagi was killed an FIR No. 1333 of 2025 was lodged wherein two persons were charge sheeted who were main assailants and as investigation is completed and charge sheet has been filed, therefore, there is no useful purpose to continue the proceeding of WPCRL No. 117 of 2026 and on such statement the proceeding of WPCRL No. 117 of 2026 was closed on 09.06.2026.

6. Learned counsel for the applicant submits that applicant is praying for bail firstly on the ground that two other co-accused persons, namely, Rajan Singh and Hari Om Tyagi have been enlarged on bail by the trial court on 03.01.2026 and by the High Court on 28.11.2025, and, therefore, the applicant deserves to get benefit of parity. He



further submits that, apart from this the applicant is a married woman now widow since her husband was murdered on 27.12.2025, therefore, the applicant being a married woman deserves to get privilege in terms of Section 480 of BNSS 2023 since the applicant is languishing in jail since 10.02.2026.

7. Per contra Mr. G.S. Sandhu, learned Addl. Advocate General for the State submits that the gang chart was prepared after due deliberation of District Magistrate with other officials and though at the time when FIR was lodged on 15.09.2025, the applicant was not named but subsequently on disclosure of her name by other co-accused who was in judicial custody, the conduct of the applicant was inquired and a search was conducted in her house and during search stolen articles were recovered including one sale deed of the wife of the informant and after collecting entire materials the supplementary gang chart was prepared which is the supplement to the original gang chart dated 08.10.2025, therefore there is no mala fide intention in preparing the supplementary gang chart which was prepared after following due process of law. Mr. Sandhu also submits that other two co-accused persons namely Rajan Singh and Hari Om Tyagii have already been enlarged on bail and there is no dispute on this, however, he submits that in addition to case crime no. 325 of 2025 there are other three cases against the applicant, i.e, case crime no. 321 of 2019, case crime no. 1216 of 2025 and case crime no. 232 of 2025 and as on date the present applicant is the Gang Leader. In reference to the argument with regard to claiming benefit of parity Mr. Sandhu Submits that the present applicant does not deserve



the benefit of parity since she is the gang leader, however, he fairly submits that applicant being a married woman now widow deserves to get privilege in terms of Section 480 of BNSS 2023.

8. On the other side, Mr. Ramji Srivastava learned counsel in order to assist the Court submits that present applicant is now has been declared as a gangster and the proceed which she has acquired is now attached by the District Magistrate by invoking the power in terms Gangsters Act.

9. Hear the rival submission of the learned counsel for the parties and taking into consideration that in original gang chart the applicant was not named however in the supplementary gang chart dated 13.01.2026 first time applicant shown and implicated under the Gangster Act by showing only one case, i.e. case crime no. 325 of 2025 and two other co-accused persons, namely, Rajan Singh and Hari Om Tyagi have already been enlarged on bail and further the applicant is a married woman now widow deserves for the benefit of privilege in terms of Section 480 BNSS 2023, this Court is of the view that the applicant deserves for bail.

10. Accordingly without expressing any opinion on the merit of the case, the bail application is allowed.

11. Let the applicant Nishi Tyagi be released on bail on her executing a personal bond of Rs. 1 lakh and furnishing two reliable sureties of the like amount to the satisfaction of the court concerned subject to the following conditions:-



- (i) The applicant shall not indulge in any such activity in future and cooperate with the trial court proceeding as well as with the investigating agency.
- (ii) The applicant shall surrender her passport (if any) after being released to the concerned designated Court under the Gangster Act forthwith

In breach of any of the condition as above the prosecution is free to move an application for cancellation of bail.

**(Rakesh Thapliyal, J.)**

06-08-2026

Parul