



2026:UHC:4689

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Criminal Misc. Application No. 1126 of 2026

Faranis. Applicant.

Versus

State of Uttarakhand. Respondent.

Present:

Mr. Aryan Dev, learned counsel for the applicant through VC.

Mr. Tumul K Nainwal, learned AGA for the State of Uttarakhand.

Mr. Parikshit Saini, learned counsel for the complainant.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. By the instant application preferred under Section 528 of BNSS, 2023 the applicant Faranis S/o Mohd. Nazim, is challenging the order dated 29.04.2026, passed by Additional Civil Judge (Senior Division)/Additional Chief Judicial Magistrate, Roorkee, whereby proceedings under Section 84 of BNSS, 2023 is drawn against him. Brief facts of the case are that the applicant was implicated in the FIR dated 24.01.2026 bearing FIR No.13 of 2026, at Police Station Jhabreda, Haridwar, wherein, he along with five other persons, namely, Tasleem, Naseem, Hussain, Ali and Hasin, for the offences punishable under Sections 109 (1), 190, 191 (2), 191 (3) and 352 of BNS, 2023.

2. Earlier the present applicant filed an anticipatory bail application no.81 of 2026, but the same was withdrawn without any liberty to file another anticipatory bail application. Subsequent thereto, a second anticipatory bail application no.13 of 2026, was filed and the same was also dismissed on 27.05.2026, however, while dismissing the application, learned counsel for the applicant undertakes that the applicant is ready to surrender before the court concerned positively within ten days. The relevant extract of the order dated 27.05.2026 is read as under:-

"6. Mr. Parikshit Saini and Mr. Tumul Nainwal pointed out that when ABA No. 81 of 2026 was dismissed as

withdrawn this fact was apprised to this Court that Non Bailable Warrant was issued against the present applicant and not only this even the proceeding under Section 84 of BNSS 2023 was also initiated but this fact has been suppressed by the present applicant in the instant anticipatory bail application. They also pointed out that the order of issuing Non Bailable Warrant and proceeding under Section against 84 of Cr.P.C. are challenged in C528 No. 1126 of 2026 which has also been suppressed.

7. On this, learned counsel for the applicant submits that the instant second anticipatory bail application as well as the C528 petition was filed on the same date this is the reason this fact could not be disclosed in the instant anticipatory bail application.

8. Be that as it may, when the earlier anticipatory bail application was dismissed as withdrawn the applicant was fully aware about the issuance of Non Bailable Warrant as well as process under Section of 84 of BNSS, therefore, he has to disclose this fact in the instant anticipatory bail application but it appears that deliberately he has suppressed this fact and even otherwise since now the Non Bailable Warrant has been issued against the present applicant and furthermore proceeding under Section of 84 of BNSS also been initiated against the applicant, on this account alone the applicant does not deserve for anticipatory bail, according the same is rejected.

9. After dictation of the judgment, the learned counsel for the applicant submits that the applicant is ready to surrender before the court concerned positively within 10 days from today. On such submission learned counsel for the respondent and State have no objection.

10. In such view of the matter, if the applicant surrenders before the court concerned on or before 06.06.2026 from today, only till then, no coercive action shall be taken against him provided he cooperates with the investigation.

11. It is made clear that if the applicant fails to surrender within the aforesaid period before the court concerned then the concerned Investigating Officer shall take him in custody forthwith."

3. During the pendency of the first anticipatory bail application, the instant petition was filed under Section 528 of BNSS, 2023, challenging the proceedings under Section 84 of BNSS, 2023.

4. While dismissing the second anticipatory bail application no.13 of 2026, on 27.05.2026, this Court take note of the proceedings initiated under Section 84 of BNSS, 2023 as well as the fact about the nonailable warrant.

5. Now, Mr. Tumul K. Nainwal, learned AGA apprised that the present applicant despite an undertaking given on 27.05.2026 has not surrender so far. He has also pointed that the second anticipatory bail application was dismissed on 27.05.2026 and the affidavit in support of the present C528 application was sworn prior to that date i.e. on 22.05.2026.

6. In response to this, learned counsel for the applicant submits that the second anticipatory bail application as well as present application filed simultaneously.

7. Be that as it may, admittedly despite an undertaking given on 27.05.2026, the applicant has not surrender. It has also been apprised to this Court that in another petition, a compounding application has also been filed.

8. In such view of the matter, since the applicant has not complied with the order dated 27.05.2026, wherein, he has given an undertaking to surrender there is no any question to entertain this petition. Accordingly, the present C528 application is dismissed by giving twenty-four hours time to the applicant to surrender before the court concerned, failing which the concerned Investigating Officer is directed to proceed against the applicant.

(Rakesh Thapliyal, J.)

11.06.2026

NR