



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA2 / 104 / 2026</u> X --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Vaibhav Singh Chauhan, learned counsel for the applicant. 2. Mr. B.C. Joshi, learned AGA for the State. 3. First bail application was rejected by this Court on 09.12.2024. 4. The instant bail application has been moved on behalf of the applicant for seeking bail in reference to FIR dated 12.02.2024 bearing F.I.R. No. 43 of 2024 registered at Police Station – Kaliyar Sharif, District – Haridwar wherein he has been implicated and charge sheeted for offences punishable under Section 302, 201 and 34 of IPC. 5. It is argued by the learned counsel for the applicant that applicant, at the time of incident, was juvenile and there are in total 21 prosecution witnesses and upto date, only 5 prosecution witnesses have been examined and as per the prosecution, three prosecution witnesses have been declared hostile. He submits that PW3 Asif @ Anna was declared hostile on 28.04.2026, thereafter, PW4 – Saif Ali was declared hostile on 22.06.2026 and another prosecution witness, who is eye witness namely PW5 - Asad Irshad was also declared hostile on 04.07.2026. He further submits that informant of the incident Umed PW2 was also declared hostile by the trial court. He further submits that still there are 16 prosecution witnesses has to be examined, therefore, there is no possibility that the trial will be expedited soon. 6. Apart from this, he submits that applicant is languishing in jail since 14.02.2024 i.e. for almost last more than 2 ½ years and there is no substantial progress in the trial. 7. On the other side, learned AGA submits that



			after collecting all credible evidence, charge sheet has been filed and merely some prosecution witnesses have been declared hostile does not mean that applicant is not involved in the commission of offence and all these aspect are subject matter of the trial and there are other material against the present applicant, therefore, it cannot be presumed that applicant is innocent. However, learned AGA have not disputed that the applicant is languishing in jail since 14.02.2024 and there is no substantial progress in the trial and at the time of incident, applicant was juvenile though he is tried as an adult in Children Court. 8. After hearing the learned counsel for the parties and taking into consideration that the applicant suffered long incarceration of more than 2 ½ years, as he is languishing in jail since 14.02.2024 and out of 5 prosecution witnesses, 3 prosecution witnesses have been declared hostile, and even otherwise, there is no substantial progress in the trial, this Court is of the view that the applicant deserves bail. Accordingly, without expressing any opinion on the merit of the case, the instants second bail application is allowed. 9. Let the applicant be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned, subject the following conditions:- i. The applicant shall join the trial Court proceedings on each and every date without seeking any unnecessary adjournment. ii. The applicant shall surrender his passport, if any, within three days from his release and shall not leave the country without prior permission of the Court. iii. The applicant shall not give any threatening to the victim or his family members and will not make any attempt to temper with the evidence. iv. It is further made clear that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution is free to proceed for cancellation of bail. (Rakesh Thapliyal, J.) 21.08.2026 SKS
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