



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA2/116/2026</u> Khalid Alias Khaleel Applicant Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Saurabh Kumar Pandey, learned counsel for the applicant. 2. Ms. Pushpa Bhatt, learned Additional Advocate General along with Mr. S.C. Dumka, learned A.G.A. and Mr. Nikhil Bisht, learned Brief Holder for the State. 3. Applicant – Khalid Hussain, who is in judicial custody in connection with Case Crime/F.I.R. No. 171 of 2025, registered under Sections 127, 143(3) and 351(2) of the B.N.S., Police Station Kashipur, District Udham Singh Nagar, has moved the present bail application seeking his bail during the pendency of trial. 4. Heard learned counsel for the parties and perused the records. 5. This second bail application, the 1st bail application was dismissed on merit vide judgment and order dated 17.03.2026. 6. As per the prosecution case, the F.I.R. was lodged by the complainant/victim alleging that, being in search of employment, she obtained a mobile number from a friend for a job at a Spa Centre in Kashipur. On contacting the said number, she was called to Kashipur and taken to a house where several other girls were present. It is alleged that the girls were thereafter taken to the Spa Centre and initially assured of handsome remuneration; however, they were



		subsequently asked to establish physical relations with customers for money. When the victim and other girls refused, the present applicant and other co-accused allegedly offered them inducements and threatened them with dire consequences, including threats to their lives, if they declined to undertake the said activity. 7. Learned counsel for the applicant would submit that the present bail application has been filed on certain subsequent developments which constitute fresh grounds for consideration of the applicant's prayer for bail; that, the charge-sheet in the present case was filed by the Investigating Officer on 06.10.2025 and, thereafter, the learned court concerned took cognizance of the offences against the applicant on 10.10.2025; that, despite the lapse of approximately ten months from the date of taking cognizance, charges have not yet been framed against the applicant; that, the continued detention of the applicant, in the aforesaid circumstances, is unjustified, particularly in view of the statutory mandate contained in Section 251(b) B.N.S.S. 8. Learned counsel for the applicant would further submit that Section 251(b) of the B.N.S.S. casts a statutory obligation upon the Court to frame the charge within the prescribed period of sixty days from the date of the first hearing on charge. In the present case, since cognizance was taken on 10.10.2025, the applicant submits that the proceedings ought to have progressed to the stage of framing of charge within the period contemplated by the aforesaid provision. However, even as on 25.06.2026, charges had not been framed against the applicant.
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			9. It is submitted that the applicant cannot be made to suffer continued incarceration on account of the delay in commencement of the trial, particularly when such delay is not attributable to him. Learned counsel for the applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in Subhelal @ Sushil Sahu v. State of Chhattisgarh, 2025 INSC 242, in support of his submission that the right to a speedy trial is an integral aspect of Article 21 of the Constitution of India and that, where the accused is not responsible for the delay and there is no reasonable apprehension of tampering with the evidence or otherwise obstructing the course of justice, the Court ought to adopt a liberal approach while considering the prayer for bail. 10. Per contra, learned State counsel would vehemently oppose the prayer for bail. However, on instructions, he submits that the principal reason for non-framing of the charges is that the co-accused persons have not been appearing before the learned court concerned and, consequently, the trial proceedings have not been able to progress further. 11. In reply, learned counsel for the applicant would submit that the applicant cannot be deprived of his liberty merely because the co-accused persons are not appearing before the learned trial court. It is contended that, if necessary, the learned trial court has the option to take appropriate steps for securing the presence of the absent co-accused and to proceed separately against the present applicant. He would further submit that the applicant is in judicial custody since 14.07.2025 and has already undergone
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			substantial incarceration. The applicant is not responsible for the delay in framing of charge and, considering the present stage of the proceedings, the conclusion of the trial is likely to take considerable time, therefore, the applicant is entitled for bail. 12. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that it is an admitted position that the charge-sheet was filed on 06.10.2025 and cognizance thereupon was taken on 10.10.2025. Despite the lapse of approximately ten months thereafter, charges have not yet been framed against the applicant. 13. In the totality of the facts and circumstances of the case, particularly the period of incarceration undergone by the applicant since 14.07.2025, the fact that the charge-sheet has already been filed, cognizance has been taken, charges have not yet been framed, and the delay in proceeding with the trial is not shown to be attributable to the applicant, this Court is of the considered view that the applicant has made out a case for grant of bail. 14. Accordingly, without expressing any opinion on the merits of the case, the present bail application is allowed. 15. Let the applicant be released on bail in the aforesaid case, on his furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the Court concerned. MAMTA RANI (Alok Mahra, J.) 11.08.2026
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