



2026:UHC:232

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

06TH JANUARY, 2026

FIRST BAIL APPLICATION NO.1652 of 2025

Habib Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Vikas Kumar
Guglani, Advocate.

Counsel for the Respondent : Mr. Pradeep Lohani,
Brief Holder.

Hon'ble Alok Kumar Verma,J.

Applicant- Habib is in judicial custody for the offence punishable under Section 302 read with Section 34 and Section 120B of the Indian Penal Code, 1860 in Case Crime No.509 of 2023 (Sessions Trial No.64 of 2024), registered at Police Station Jaspur, District Udham Singh Nagar.

2. Heard Mr. Vikas Kumar Guglani, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.

3. Mr. Vikas Kumar Guglani, Advocate, contended that the applicant was not involved in the said offence. The sole eye-witness of the alleged



incident, namely, Anas (PW2) has not supported the case of the prosecution. Applicant has no criminal antecedents. He is a permanent resident of District Udham Singh Nagar, therefore, there is no possibility of his absconding, and, he is in custody since 22.12.2023.

4. Mr. Pradeep Lohani, learned Brief Holder, has opposed the bail application. However, he submitted that the sole eye-witness has not supported the case of the prosecution.

5. Anas (PW2) was the neighbour of the deceased. He has stated in his examination-in-chief that sounds of quarrel were coming from the house of the deceased. Hearing the noise, he went to his house. Nadeem (deceased) was intoxicated. In his presence, Nadeem went to his room and cut his throat with a knife. He and others had lifted him from the bed, which caused blood to get on his clothes and on the clothes of Habib (applicant), Naved alias Bittu and Reshma, the mother of the deceased. The police came to the spot and seized the knife and their blood stained clothes.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of



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keeping the accused in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The Bail Application is allowed.

9. Let the applicant- Habib be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt:06.01.2026
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