

HIGH COURT OF UTTARAKHAND AT NAINITAL

Third Bail Application No. 62 of 2025

Nitin Applicant

Versus

State of Uttarakhand Respondent

Present:-

Ms. Gurbani Singh and Ms. Sukhwani Singh, Advocates for the applicant.

Ms. Manisha Rana Singh, D.A.G. for the State.

Mr. Rajendra Singh Azad, Advocate for the informant, through video conferencing.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in Sessions Trial No.99 of 2020, State Vs. Deepak @ Deepu and Others, arising out of FIR No.521 of 2020, under Sections 147, 148, 149, 452, 307, 504 and 506 IPC, Police Station Laksar, District Haridwar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused.

3. This is the third bail application. The applicant was granted bail in the instant matter on 12.03.2021, by an order passed in BA1 No.437 of 2021. It so happened that the Bail Cancellation Application No.34 of 2021 was moved, which was accepted by the Court on 17.10.2022, and the bail granted to the applicant was cancelled. In fact, the bail was cancelled on the ground that post grant of bail, the

applicant extended threats to the victim with dire consequences. Thereafter, an application was submitted to the Standing Committee, Haridwar, constituted under the Witness Protection Scheme, 2018, and, subsequently, FIR was lodged. In that FIR, chargesheet was submitted on 06.05.2022 under Sections 336 and 506 IPC.

4. The applicant did file the second bail application, being BA2 No.397 of 2023, which was rejected on 03.01.2024.

5. Learned counsel for the applicant submits that post grant of bail in the instant case, an FIR was lodged against the applicant and chargesheet was submitted, based on which the bail was cancelled, but now, it is submitted that in the subsequent FIR, after trial, the applicant has been acquitted. Therefore, it is a ground for bail.

4. Learned counsel for the informant submits that against acquittal of the applicant in the subsequent FIR, an appeal is pending. He submits that, in fact, the applicant had not permitted the witnesses to be examined in one day; whenever they were examined, the cross examination was deferred, and multiple opportunities were taken by the applicant and the co-accused to cross examine the witnesses.

5. Learned State Counsel admits that in the subsequent FIR, the applicant has been acquitted, but she submits that the injured has supported the prosecution case.

6. It is admitted to the learned counsel for the parties that the witnesses of fact have already been examined. In the instant case, the Court is concerned with the events, which took place after cancellation of the bail of the applicant. The bail was cancelled because the chargesheet was submitted by the police on the subsequent FIR on 16.05.2022, under Sections 336 and 506 IPC. On the basis of that chargesheet, in the trial, which was conducted, the applicant has been acquitted.

7. It is stated that the appeal is pending, but having considered, this Court is of the view that the bail was cancelled on the ground that the subsequent FIR was lodged, but the trial, based on that subsequent FIR, has ended in acquittal. It makes out a case fit for bail.

8. The bail application is allowed.

9. Let the applicant 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, subject to the following conditions:-

- i) The applicant shall not approach the victim or any of the witnesses of the case either personally or through any other person or electronically.
- ii) He shall not extend any kind of threats to the witnesses.
- iii) He shall not seek any adjournment in the trial, especially on the date when witnesses are present.

(Ravindra Maithani, J)
13.03.2026