2026:UHC:140

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

05TH JANUARY, 2026

FIRST BAIL APPLICATION NO.2024 of 2025

Harendra alias Bittu ....Applicant

Versus

State of Uttarakhand .....Respondent

Counsel for the Applicant : Mr. Vikas Anand, Advocate with Mrs. Gyan Mati Kushwaha, Advocate.

Counsel for the Respondent : Mr. Tumul Nainwal, Assistant Government Advocate

Hon'ble Alok Kumar Verma,J.

The applicant – Harendra alias Bittu is in judicial custody for the offence under Sections 109(1), Section 3(5), Section 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 read with Section 25 (1B)(a) of the Arms Act, 1959 in Case Crime No.134 of 2025, registered at Police Station Khatima, District Udham Singh Nagar.

2. According to the respondent, on 28.04.2025, at 22:49 hrs, the police received an information that five persons on two motorcycles are coming, who had committed robbery on 25.04.2025 and 26.04.2025. The police directed the persons, who were coming on motorcycles, to surrender, then they fired at the police.

Applicant was apprehended by the police in the cross firing (present FIR). They recovered a country made pistol of 315 bore and Rs.9,000/- from the possession of the applicant. He told them that the said money was looted by him with his other associates on 25.04.2025 and 26.04.2025. He was arrested at 03:05 hrs on 29.04.2025.

3. On 25.04.2025, at around 10.15 p.m., unknown persons arrived at the informant's petrol pump "Guru Nanak Filling Station" on two motorcycles and four of them looted Rs.27,000/- by showing country made pistols to Nitin Singh, the salesman of the informant. The First Information Report (FIR No.133 of 2025) was registered on 26.04.2025. The applicant and others committed another dacoity on 26.04.2025 and looted Rs.40,000/- and a mobile phone from a petrol pump "MA Fuels" (FIR No.131 of 2025).

4. Heard Mr. Vikas Anand, learned counsel for the applicant and Mr. Tumul Nainwal, learned Assistant Government Advocate for the respondent.

5. Mr. Vikas Anand, Advocate contended that the applicant has been falsely implicated by the police. He is not named in the said First Information Reports (FIR No.131 of 2025 and FIR No.133 of 2025).

Applicant was not identified by the alleged victim in the Test Identification Parade. Nothing was recovered from the possession of the applicant. It is alleged that the cross-firing occurred in a crowded public place, which is highly doubtful, whereas there is not a single independent witness to the alleged incident. Applicant has not been convicted by any court. He is a permanent resident of District Sonipat (Haryana), therefore, there is no possibility of his absconding, and, he is in custody since 29.04.2025.

6. Mr. Tumul Nainwal, Assistant Government Advocate has opposed the bail application. However, he submitted that the Test Identification Parade was conducted in FIR No.133 of 2025, but the victim of the said FIR has not identified the applicant.

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

8. 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.

9. The Bail Application is allowed.

10. Let the applicant – Harendra alias Bittu 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: 05.01.2026
JKJ/pant