

HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Bail Application No. 295 of 2025

Dilbag Singh

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Arvind Vashistha, Senior Advocate, assisted by Mr. Rachit Manglik, Advocate for the applicant..
Mr. Amit Bhatt, Government Advocate, with Mr. Kuldeep Singh Rawal, A.G.A. for the State.
Mr. S.K. Mandal, Advocate for the informant.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in Case Crime No. 83 of 2024, under Section 302, 307, 34, 120B IPC and Section 3/25 of the Arms Act, 1959, Police Station Nanakmatta, District Udham Singh Nagar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. This is second bail application of the applicant. His first bail application dismissed as withdrawn on 08.07.2025.

4. On 28.03.2024, deceased Tarsem Singh was in the courtyard of Sri Nanakmatta Sahab sitting on the chair at 6:00 in the morning. At that time, two motorcycle borne assailants entered into the courtyard from the main gate. The pillion rider of the motorcycle had an automatic rifle like weapon. As soon as they reached near the deceased Tarsem Singh, the pillion rider opened fire. The deceased tried to move from the chair, but he was shot twice again; those persons ran away. FIR is quite in detail. It records that, in fact, on

19.03.2024, those assailants had stayed in the Gurudwara premises in Room No. 23. The FIR is named against various persons.

5. According to the prosecution, the deceased was killed under a conspiracy. It is the applicant, who was one of the main conspirators. He made the weapon of offence available to the main shooters namely Amarjeet and Sarabjeet. Both the actual shooters visited the house of the applicant and after committing the crime, they had returned to the house of the applicant and it is the applicant who had hidden their rifle near his house. On the 14.04.2024, at the instance of the applicant, the weapon of offence was recovered near his house. It is further case of the prosecution that, in fact, before giving the weapon of offence to the actual shooters, the weapon was used near the house of the applicant. Police has recovered empty cartridge case from that place and empty cartridge cases were also recovered from the place of incident, which connects those cartridge cases with the rifle that was recovered at the instance of the applicant, which is the weapon of offence as confirmed by the Forensic Science Laboratory report.

6. Learned Senior Counsel for the applicant submits that all the co-conspirators, namely, Satnam Singh @ Kala, Harvinder Singh, Sultan Singh, Jaspal Singh Bhatti @ Mintu, Sukhdev Singh @ Sonu Gill, Amandeep Singh @ Kala and Baba Anoop Singh @ Bhai Anoop Singh have been granted bail. It is argued that according to the prosecution, on the first statement of the applicant, which was recorded on 03.04.2024, there was no mention of any rifle, but on subsequent date i.e. on 14.04.2024, according to the prosecution, the applicant revealed that he had hidden the rifle near his house, which was used in the crime and it was recovered, as

per prosecution. But, it is argued that at the most assuming the story to be true may make the applicant's case under Section 201 IPC for disappearance of the evidence, not for committing the crime or conspiring in the commission of the crime. In addition to it, it is also argued that CCTV footages allegedly taken by the police did not run in court. Therefore, they may not be read against the applicant. It is also argued that actual assailants have not been seen armed with rifle while entering into the house of the applicant in the CCTV footages, as told by SI Ashok Kumar Kandpal to the Police. Therefore, it is argued that it is a case fit for bail.

7. Learned counsel appearing for the informant submits that, in fact, earlier, the first bail application has extensively been argued on behalf of the applicant and when the Court proceeded to dictate the order, it was withdrawn. It is argued that there is no new ground which may now entitle the applicant to bail. It is also argued that, in fact, the mobile phone of the applicant was tracked and thereafter, the police reached him and his involvement was found in commission of the murder the deceased Tarsem Singh.

8. Learned State counsel submits that the role of the applicant is different from other co-conspirators. It is argued that there are multiple evidence against the applicant. Referring to the statement of Constable Bhupendra Arya, it is argued that he is the man, who put the telephone numbers on surveillance and thereafter, the applicant's involvement in the commission of crime was detected, as the actual shooters visited the house of the applicant multiple times and they were constantly in touch with each other. In addition to it, it is argued that on 14.04.2024, when the applicant was arrested, at his instance, the rifle, the weapon of offence was

recovered from near his house and an empty cartridge case was also recovered which was the test fired cartridge. It is also submitted that from the place of incident also, a cartridge case was recovered and they both connect the weapon of offence to the commission of crime. In addition to it, there are independent witnesses to the recovery, namely, Gurwant Singh and Dilbag Singh @ Bagga. Reference has been made to their statements also. Not only this, it is argued that, in fact, the wife of the applicant Narender Kaur has also admitted that the actual shooter and other co-conspirators were constantly in touch with the applicant and they were visitors in their house. Reference has been made to her statement as well. Reference has also been made to the statement of Sarabjeet Kaur, the wife of the co-accused Sarabjeet Singh, the actual shooter to argue that, in fact, she has stated that Sarabjeet the actual shooter was constantly in touch with the applicant. In addition to it, it is also argued that, in fact, SI Ashok Kumar Kandpal has examined the CCTV footages which were taken from a school, near the house of the applicant, in which the actual shooters could be seen entering into the house of the applicant.

9. It is the stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial or in any other proceedings.

10. It is true that co-conspirators have already been granted bail. But, it is also true that there was no recovery or statements like the statements of the witnesses *qua* the applicant. It may not be a case of parity.

11. As per prosecution, the police reached the applicant through mobile surveillances, as the actual shooter's location was found alongwith the applicant. The applicant has allegedly given a disclosure statement on 14.04.2024 with regard to the hiding of a rifle, the weapon of offence near his house. It was recovered in the presence of the police officers as well as in the presence of independent witnesses, namely, Gurwant Singh and Dilbag Singh @ Bagga. SI Ashok Kumar Kandpal has also stated to the Investigating Officer that he has run the CCTV footage and has stated about the activities in the house of the applicant. It is true that when SI Ashok Kumar Kandpal was examined in the court, the CCTV footage did not run and the case was adjourned. The trial is still on. The veracity, genuineness and the contents would find detail deliberation during trial.

12. Having considered, this Court is of the view that there is no ground to enlarge the applicant on bail. Accordingly, the bail application deserves to be rejected.

13. The bail application is rejected.

(Ravindra Maithani, J)
18.06.2026

Jitendra