

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010185652024  2026:UHC:5613
			<u>BA 1st No.2249 of 2024</u> <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Lalit Sharma, Mr. Bharat Chaudhary, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned AGA, for the State of Uttarakhand. 3. The present applicant – Manjeet Goliya @ Jaat S/o Shri Subhash Chandra R/o Village Purkhash, Dheeram, P.S. and Tehsil Ganoor, District Panipat, Haryana, praying for bail in reference to FIR dated 23.10.2021 bearing FIR No.246 of 2021, Police Station Premnagar, District Dehradun, wherein, on completion of the investigation, now the present applicant and other co-accused, namely, Himanshu are facing trial for the offences punishable under Sections 302, 420 and 34 of IPC. 4. It is argued by the learned counsel for the applicant that the present applicant is languishing in jail since 23.10.2021, but up till date, out of 25 witnesses only 8 witnesses have been examined and the star witness – Sagar, never turned up in the Trial Court though the proceedings under Section 82 of CrPC was also initiated and since now the present applicant already suffered prolong incarceration and there is no possibility that the trial would be expedited soon since out of 25 witnesses only 8 prosecution witnesses have been examined, therefore, the applicant be enlarged on bail. He further submits that the other co-accused – Himanshu, was already enlarged on bail by the Trial Court. 5. On the previous date, learned AGA apprised to this Court that against the star witness, nonailable warrant was issued but subsequently he moved an application for recall of nonailable warrant and the same was recalled and 07.07.2026, was the date fixed for his examination, however, he has apprised that the said witness moved an exemption application and the

		Trial Court grants him further exemption. 6. Learned counsel for the applicant has placed reliance of one of the decision of the Hon'ble Apex Court dated 04.05.2026 in SLP (Criminal) No.7502 of 2026, "Sahil Manoj Machare Vs. The State of Maharashtra", wherein, the bail was granted to the accused, who was facing trial for the offences punishable under Section 302 read with Section 34 of IPC, only on the ground of long incarceration, since he was in judicial custody from 01.11.2022 and the charges were framed in the year 2024 but not a single witness has been examined. He submits that the present case is in a better footing since the present applicant is in judicial custody since 23.10.2021, and the charges were framed on 20.05.2022, but only difference is that in the case, wherein, the Hon'ble Apex Court grants bail not a single witness was examined however in the present case 8 witnesses out of 25 witnesses has been examined. 7. Per contra learned AGA though have not disputed that applicant is in prolonged incarceration but offence is heinous and the present applicant is the main accused. 8. Now taking into consideration the prolong incarceration of the present applicant, who is in judicial custody since 23.10.2021 and the fact that out of 25 prosecution witnesses, up till date only 8 prosecution witnesses has been examined, and there is no possibility that the trial would be expedited soon, therefore, this Court has no option except to say that the right of the accused to have a speedy trial as enshrined under Article 21 of the Constitution of India could be said to have been infringed. This Court also take note of the fact that the offence as alleged, is apparently a serious crime but the fact remains that the present applicant is in a prolong incarceration since 23.10.2021 and almost more than four years have been passed but still as on today there is no possibility that the trial would be expedited soon. 9. Thus, this Court has no option except to enlarge the applicant on bail, but taking into consideration that the offence as alleged, is heinous in nature, this Court simultaneously is of the view that some stringent conditions should be imposed with the
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		direction to the Trial Court to expedite the trial court proceedings on day-to-day hearing basis without granting any unnecessary adjournment either to the prosecution or to the accused. 10. In such view of the matter, and without expressing any opinion on the merits of the case, the bail application is allowed. 11. Let the applicant – Manjeet Goliya @ Jaat, be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the Court concerned, subject to the following conditions:- (a) The applicant after being released on bail immediately shall surrender his passport to the Trial Court, if any. (b) The applicant shall join the Trial Court proceedings on each and every date without seeking any unnecessary adjournment. (c) The applicant will not make any attempt to influence the witnesses and tamper with the evidence and will not give any threat to the deceased family. (d) The applicant will leave the territorial jurisdiction of the Trial Court without leave of the Trial Court. (e) The applicant will not indulge in any criminal activities. (f) If the applicant breaches any of the conditions as stipulated above, the Trial Court will immediately direct to take him into custody by cancelling his bail bonds. (Rakesh Thapliyal, J.) 09.07.2026 Nitesh/
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