

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	 COURT'S OR JUDGE'S ORDERS 2026:UHC:2073
			BA1 No.2535 of 2025 Sundar Singh Rekudi Vs. State of Uttarakhand <u>Hon'ble Ashish Naithani, J.</u> Mr. S.R.S. Gill and Mr. Milind Raj, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned AGA for the State. 3. Present bail application is moved by the applicant, who is in judicial custody in connection with FIR No.15 of 2025 under Sections 109(1) & 121(2) of Bhartiya Nyay Sanhita, P.S. Khansyu, District Nainital. 4. Heard learned counsel for the parties. 5. Learned counsel for the applicant for consideration of bail at the outset submits that considering the allegation that applicant and accused Yashod Singh had opened fire on the police search team in the vicinity of the forest in the place of incident of the crime; resulting a passerby Narsingh have injured alongwith constable Bhupendra Singh Martolia. It is not clear at the outset that who exactly opened the fire upon police team that caused injury to a passerby Narsingh and constable Bhupendra Singh Martolia. He submits that though the applicant was arrested on the spot and is alleged of opening a fire, no fire arm was recovered and there is no recovery of any bullet or cartridge relating to the same meaning thereby that applicant was not the person who can be shown to have opened the fire. 6. Learned counsel for the applicant submits that there is admission of this fact by the State that nothing has been recovered that may be relating to the fire by fire arm or any bullet or a cartridge. He submits that in the statement recorded by the

			police under Section 161 of Cr.P.C. there is no clarity as to who opened fire. He submits that both the injured do not testify directly recognizing the assailants who opened fire; they are merely hearsay witness as have been told of the incident. He further submits that in the present matter there are two accused persons shown to have been involved in the matter opening fire and causing injury to a passerby Narsingh and constable Bhupendra Singh Martolia though the present applicant was apprehended on the spot and the other manage to flee, named Yashod Singh, who has been accorded bail. 7. Learned State counsel opposed the bail application on the ground that there is specific mention as per the statement of the injured and also medical officer that Narsing the passerby and constable Bhupendra Singh Martolia have sustained injury due to indiscriminate fire advanced on behalf of the applicant and co-accused and thus bail application may be rejected. 8. Considering the contention advanced by the applicant that it is not clear at this juncture, who caused fire and secondly either fire arm or bullets that caused injury were never recovered and lastly the co-accused has been granted bail by this Court, this court is of the view that applicant deserves bail. 9. Accordingly, the bail application is allowed. Let the applicant-Sundar Singh Rekudi be released on bail on executing a personal bond and two sureties of the like amount to the satisfaction of court concerned. (Ashish Naithani, J.) 24.03.2026 Arti
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