HIGH COURT OF UTTARAKHAND AT NAINITAL

Third Bail Application No.94 of 2023

Mohd. Saleem ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Vikas Anand, Advocate for the applicant.
Mr. Pankaj Joshi, AGA for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant is in judicial custody in Case Crime No.200 of 2020, under Section 304-B IPC, Police Station Pulbhatta, 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 third bail application of the applicant. The first bail application was rejected on 20.07.2021 and the second bail application was dismissed as withdrawn on 11.11.2021.

4. Learned counsel for the applicant would submit that the applicant is in custody for more than four years now. Out of 30 witnesses, 7 witnesses have been examined which includes father, mother, uncle, neighbours of the deceased as well as the ward member and the doctor.

5. Learned State Counsel admits these facts. He would submit that the deceased died within seven years of her marriage other than normal circumstances. There was demand of dowry.

6. While considering the bail application, various factors are to be taken into consideration. In fact, right to life and liberty includes within its ambit right to fair and speedy trial. A trial may not be kept pending indefinitely, particularly, in such case when the accused is in custody. The applicant is awaiting conclusion of his trial for more than four years in custody now. It is admitted that the witnesses of fact have already been examined. It commands this Court to grant the applicant bail.

7. Having considered, this Court is of the view that the applicant deserves to be enlarged on 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 of the like amount, to the satisfaction of the Court concerned.

(Ravindra Maithani, J.)
19.12.2024

Ravi