2025:UHC:10038

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

13TH NOVEMBER, 2025

FIRST BAIL APPLICATION NO. 2148 of 2025

Kanhaiya .....Applicant

Versus

State of Uttarakhand .....Respondent

Counsel for the Applicant	:	Mr. Vaibhav Singh Chauhan, Advocate
Counsel for the Respondent	:	Mr. Tumul Nainwal, Assistant Government Advocate.

Hon'ble Alok Kumar Verma,J.

Applicant-Kanhaiya is in judicial custody for the offence punishable under Sections 309(4), 317(2) and Section 61(2) of the Bharatiya Nyaya Sanhita, 2023 in Case Crime No.264 of 2025, registered at Police Station Kaliyar Sharif, District Haridwar.

2. The Amendment Application (IA No.1 of 2025), filed by the applicant, is taken on record.

3. The amendment application has not been opposed by the respondent.

4. The Amendment Application (IA No.1 of 2025) is allowed.

5. Mr. Vaibhav Singh Chauhan, Advocate has sought 24 hours time to file an amended memo of bail

application.

6. The case of the respondent is that the informant-Vishant Saini and his friend Sunil were going on a motorcycle on 30.09.2025. Three unknown persons stopped his motorcycle and at gunpoint, they snatched a mobile phone, golden chain, golden ring of the informant and a mobile phone and money from his friend Sunil. The First Information Report was registered on 02.10.2025. A sum of Rs.1100/- was recovered from the possession of the present applicant.

7. Mr. Vaibhav Singh Chauhan, Advocate contended that the applicant was not involved in the alleged offence. He was not present on the spot. The said amount i.e. Rs.1100/- belonged to him. Applicant has no criminal antecedents. He is a permanent resident of District Haridwar, therefore, there is no possibility of their absconding. He is in custody since 07.10.2025, and, Ankur Saini, the co-accused of similar role has already been granted regular bail by this Court in the First Bail Application (BA1 No.2106 of 2025).

8. Mr. Tumul Nainwal, Assistant Government Advocate has opposed the bail application orally.

9. 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 person in detention during the investigation is not punishment. The main purpose is manifestly to secure the attendance of the accused.

10. 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.

11. The Bail Application is allowed.

12. Let the applicant-Kanhaiya 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.

Date: 13.11.2025
JKJ/Pant