SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/143/2026 Nakul --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Tapan Singh, learned counsel for the applicant. 2. Ms. Meenakshi Sharma and Mr. Himanshu Sain, learned Brief Holders for the State. 3. Mr. Akshay Pradhan, learned counsel for the complainant. 4. Applicant- Nakul, who is in judicial custody in connection with F.I.R./Case Crime No.0329 of 2024, Police Station Manglaur, District Haridwar, wherein, under Sections 147, 148, 149, 302, 323, 452, 504, 506, 34 and 120-B of IPC and 25(1-B) (A) of the Arms Act (Sessions Trial No.121 of 2024) has sought his release on bail. 5. Heard learned counsel for the parties and perused the material available on record. 6. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would submit that, even as per the Call Detail Records (CDR) of the deceased, the deceased was present at Modinagar on 23.04.2024, whereas, according to the prosecution case, the alleged incident took place at about 6:00

			P.M. at a place situated approximately 60 kilometres away from Modinagar. Thus, the location of the deceased, as reflected in the CDR, raises a serious doubt regarding the prosecution version. 7. He would further submit that the location of co-accused Vidhu Rathi, who allegedly handed over the firearm to the applicant, was also found to be at Rishikesh at the relevant time. This circumstance, according to learned counsel, creates a doubt regarding the prosecution allegation, particularly when the mother of the deceased has attributed the act of handing over the firearm to the said co-accused. 8. Learned counsel would further submit that some of the co-accused have already been enlarged on bail; that the applicant has been languishing in jail since 01.05.2024; that the charge-sheet has already been filed and, therefore, no further custodial interrogation of the applicant is required. He would also submit that the applicant is a young person aged about 24 years, has no criminal antecedents and is a permanent resident of District Haridwar. There is no likelihood of his absconding or tampering with the prosecution evidence. He would further contend that the trial is not likely to conclude in the near future and that the applicant's continued incarceration would adversely affect his future prospects. On these grounds, learned counsel prays that the applicant be enlarged on bail. 9. Per contra, learned State counsel would vehemently oppose the bail application and submit that the statements of the prosecution witnesses categorically attribute the act of firing the gunshot at the deceased to the applicant. He would further submit that, at the stage of consideration of the bail application, the alleged location of

co-accused Vidhu Rathi is not of much relevance, particularly when the specific role of firing has been attributed to the applicant by the witnesses.

10. He would contend that the discrepancies, if any, with regard to the location of the deceased or the co-accused are matters to be examined during the course of trial and cannot, at this stage, be treated as sufficient grounds for enlarging the applicant on bail. Accordingly, he prays for rejection of the bail application.

11. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that a specific role of firing at the deceased has been attributed to the applicant, which is supported by the statements of the prosecution witnesses. The effect of the CDR locations relied upon by learned counsel for the applicant vis-à-vis the statements of the prosecution witnesses is a matter of trial and cannot be conclusively examined at this stage. Further, the gravity of the offence and the specific role attributed to the applicant cannot be overlooked. The grant of bail to some co-accused, in view of the distinct role assigned to the applicant, does not entitle him to claim parity. Although the period of incarceration, absence of criminal antecedents and filing of the charge-sheet have been considered, this Court is not inclined to enlarge the applicant on bail at this stage.

12. Accordingly, without expressing any opinion on the merits of the case, the bail application is rejected.

Mamta MAMTA RANI

Digitally signed by MAMTA RANI
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(Alok Mahra, J.)
31.10.2026