SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1306/2026 Jagdish Singh Kharayat --Applicant **Versus** State Of Uttarakhand --Respondent With **BA1/1329/2026** Ravindra Singh Tharkoti --Applicant **Versus** State Of Uttarakhand --Respondent With **BA1/1330/2026** Kamlesh Singh @ Kammu --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Lalit Sharma and Ms. Suraiya Naaz, Advocates for the applicant. Mr. Deepak Bisht, Deputy Advocate General for the State of Uttarakhand. 2. These first bail applications have been moved by the applicants seeking regular bail in F.I.R./Case Crime No.27 of

			2026, under Section 61(2), 109(1), 115(2), 117(2), 351(3) & 352 of B.N.S., 2023, registered at Police Station Jajardeval, District Pithoragarh. 3. The prosecution case, as narrated in the F.I.R., is that the complainant, along with his colleague Sunder Singh Bisht, after completing their marathon practice, was purchasing vegetables at Vadda Market. Thereafter, they purchased two bottles of beer from a liquor shop. The salesman of the liquor shop informed them about the availability of a canteen adjacent to the liquor shop. It is alleged that, thereafter, 4–5 unknown persons, accompanied by the owner of the liquor shop, arrived at the spot, hurled abuses at them and assaulted them with lathis and iron rods, as a result of which the complainant and Sunder Singh Bisht sustained grievous injuries. Upon arrival of the police, the accused persons allegedly fled from the spot. The injured persons were initially taken to Military Hospital, Pithoragarh. However, considering the critical condition of Sunder Singh Bisht, he was subsequently airlifted to Lucknow for better medical treatment. 4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case and have been languishing in judicial custody since 16.06.2026 and 17.06.2026, respectively. He submits that applicant Jagdish Singh Kharayat is merely a salesman working at the liquor shop, applicant Ravindra Singh Tharkoti is a cook employed at the canteen situated adjacent to the liquor shop, whereas applicant Kamlesh Singh alias Kammu is the owner of a restaurant situated adjacent to the said canteen. He further

			submits that the applicants have no concern with the alleged assault and have been implicated merely on account of their association with the aforesaid establishments. Learned counsel further submits that the actual sequence of events is materially different from the prosecution version. According to him, the complainant and his colleague had started consuming liquor as early as 08:56 a.m., and the consumption continued till 11:37 a.m. He submits that, owing to excessive consumption of liquor, both persons were heavily intoxicated and had repeatedly fallen down, resulting in the injuries allegedly sustained by them. It is, thus, contended that the possibility of the injuries having been sustained otherwise than in the manner alleged by the prosecution cannot be ruled out at this stage. It is further contended that even the statement of the complainant recorded under Section 180 of the BNSS suffers from material inconsistency, inasmuch as, he has stated that beer was purchased at about 11:30 a.m., whereas the bills/ records of the liquor shop allegedly indicate that the complainant and his colleague had started purchasing beer at 08:56 a.m. 5. Per contra, learned State Counsel has vehemently opposed the bail applications and submits that the allegations against the applicants are serious in nature, as the complainant and his colleague sustained grievous injuries in the alleged incident and the condition of one of the injured persons was sufficiently critical to necessitate his airlifting to Lucknow for specialised medical treatment. 6. Having considered the submissions advanced by learned counsel for the

			parties and upon perusal of the material available on record, this Court finds that the applicants have been in judicial custody since 16.06.2026 and 17.06.2026, respectively. It is not disputed that the alleged incident took place at or near the liquor shop and the adjoining establishments where the applicants were stated to be working or carrying on their respective occupations. The precise role attributable to each of the applicants, particularly in the context of the alleged assault by 4–5 persons, is a matter which would require appreciation of evidence during trial. This Court further finds that the defence has raised a specific contention with regard to the timing of consumption and purchase of liquor by the complainant and his colleague. The alleged discrepancy between the time mentioned in the statement of the complainant and the entries reflected in the liquor shop bills/records is a circumstance which may be examined during the course of trial. At this stage, this Court is not required to undertake a meticulous examination of the rival versions or record any conclusive finding regarding the manner in which the injuries were sustained. It is also relevant to consider that the applicants have already remained in judicial custody for a considerable period. 7. Having regard to the nature of the accusations, the respective roles attributed to the applicants, the circumstances highlighted by the defence, the period of incarceration already undergone and the fact that the prosecution version is yet to be tested during trial, this Court is of the considered view that the applicants have made out a case for grant of bail at this

stage.

8. Accordingly, without expressing any opinion on the final merits of the case, this Court is inclined to enlarge the applicants on bail.

9. The bail applications are allowed.

10. Let the applicants be released on bail, on executing personal bond by each one of them and furnishing two reliable sureties by each one of them, each of like amount, to the satisfaction of Court concerned.

(Alok Mahra, J.)
03.11.2026

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ARPAN JAISWAL

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