SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010135172026 2026:UHC:10208 COURT'S OR JUDGE'S ORDERS
			BA2/121/2026 Ashok Kumar --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Rakesh Thapliyal, J.** Mr. Lalit Sharma, learned counsel for the applicant. 2. Mr. G.S. Sandhu, learned Addl. Advocate General assisted by Mr. Deepak Bhardwaj, learned Brief Holder for the State. 3. The instant second bail application is moved on behalf of the present applicant Ashok Kumar, S/o Raghuvir Singh, who is facing trial in Session Trial No.13 of 2025 for the offences punishable under Sections 120-B, 201 & 302 of IPC arising out of Case Crime No.0337 of 2024, P.S. Kankhal, District Haridwar. 4. The first bail application was dismissed by this Court on 17.12.2025 against which the applicant approached to the Hon'ble Apex Court by way of Special Leave Petition (Criminal) Diary No(s).16905 of 2026 and the same was also dismissed on 23.04.2026. 5. Now the instant second bail application is moved primarily on the ground that the applicant suffered incarceration of more than two years and there is no substantial progress in the trial since out of in total 25 prosecution witnesses uptill date only 6 prosecution witnesses have been examined. Apart from this he submits that the two other

			co-accused have been recently arrested, therefore, the prosecution witnesses, who have been examined uptill date will be again cross examined, therefore, there is no possibility that the trial would be expedited soon. He also submits that applicant have no previous criminal history. 6. This is a case in which dead body was never been recovered and the entire prosecution case is based on circumstantial evidence. 7. Be that as it may though the prosecution case is based on circumstantial evidence but it is settled principle of law that while considering the bail application, the merit should not be touched, therefore, this Court will not go into all these aspects. The first bail application was also rejected by the detailed order but the fact remains that there is no progress in the trial and the applicant is languishing in jail since 20.10.2024 and suffered incarceration of more than two years. In reference to the long incarceration, learned counsel for the applicant placed reliance to the decision of Hon'ble Apex Court in the case of **Mahesh Chandra Joshi vs. State of Rajasthan 2026 INSC 1141** wherein the Hon'ble Apex Court observed that pre-trial incarceration is neither warranted nor necessary and the legitimate apprehension of the prosecution can be adequately safeguarded by imposing appropriate conditions. 8. On the other side Mr. G.S. Sandhu, learned Addl. Advocate General assisted by Mr. Deepak Bhardwaj, learned Brief Holder for the State also submits that there are in

			total 25 prosecution witnesses and uptill date only 6 prosecution witnesses have been examined and also apprise that since recently two other co-accused, who were absconded were arrested, therefore, the witnesses who have been examined earlier will also be again cross examined, therefore, at this juncture, there is no possibility that trial would be expedited soon. Mr. Sandhu further submits that as per the prosecution, the present applicant infact is the main accused, therefore, grant of bail to the present applicant may hamper with the trial as well as the cross examination of prosecution witnesses however he has not disputed that the applicant suffered incarceration of more than two years. Finally, Mr. Sandhu, conclude his argument by submitting that if the applicant be enlarged on bail some stringent conditions may be imposed with this rider that grant of bail to the present applicant will not be treated as precedent in respect of other co-accused. 9. The submission as advanced by Mr. G.S. Sandhu, learned Addl. Advocate General have some substance. 10. After hearing the submissions of learned counsel for the parties and taking into consideration that the applicant suffered incarceration of more than two years as he is languishing in jail since 20.10.2024 and have no criminal antecedents and further there is no substantial progress in the trial and it is settled principle of law that pre-trial incarceration is neither warranted nor necessary, this Court is of the view that applicant deserves for bail.

			11. Accordingly, without expressing any opinion on the merit of the case, the instant second bail application is allowed. 12. Let the present applicant-Ashok Kumar be released on bail on his executing a personal bond and furnishing two reliable sureties of the like amount to the satisfaction of the court concerned subject to the following conditions:- i. After being released on bail the applicant shall surrender his passport, if any, with the trial court within three days. ii. After being released on bail, the applicant shall join trial court proceeding on each and every date without seeking any unnecessary adjournment. iii. Applicant shall not make any attempt to threaten any of the whiteness or to temper with the evidence. 13. It is made clear that grant of bail to the present applicant will not be treated as precedent in respect of other co-accused and if they approach their bail application will be decided independently on it's own merit. **(Rakesh Thapliyal, J.)** 04.11.2026 Arti
