
(2025) 10 UH CK 0003

Uttarakhand HC

Case No: First Bail Application No. 1835 Of 2025

Prashant Alias Guddu

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Oct. 8, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 303(2), 317(2)
- Constitution Of India, 1950 — Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Ram Nivas Singh Rana, Pradeep Lohani

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. The Applicant- Prashant alias Guddu is in judicial custody for the offence under Sections 303(2), 317(2) and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 in Case Crime No. 318 of 2025, registered at Kotwali Jwalapur, District Haridwar.

2. According to the respondent, a Swift Dzire car (Registration No. UK07BN4513) of the applicant was stolen on 14.06.2025. The First Information Report has been registered against the unknown persons on 22.06.2025. The said stolen car was recovered from the possession of the present applicant and the co-accused Ajay Tomar. The said stolen car was recovered on 23.06.2025.

3. Heard Mr. Ram Nivas Singh Rana, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.

4. Mr. Ram Nivas Singh Rana, Advocate, submitted that the said car was not stolen by the applicant. The said car was not recovered from his possession. The said recovery was false. There was no independent witness at the time of the said recovery. This fact also supports the submission of the applicant. Applicant is not a convicted person. He is a permanent resident of District Meerut, Uttar Pradesh, therefore, there is no possibility of his absconding, and, co-accused Ajay Tomar, has already been granted regular bail by District and Sessions Judge, Haridwar.

5. Mr. Pradeep Lohani, learned Brief Holder, has opposed the bail application.

6. 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 or trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. 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.

8. The Bail Application is allowed.

9. Let the applicant- Prashant alias Guddu 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.