

(2025) 12 UK CK 0035

Uttarakhand HC

Case No: First Bail Application No. 2211 Of 2025

Manoj Kumar

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023 - Section 61(2), 309(4), 317(2)
- Arms Act, 1959 - Section 3, 25
- Constitution Of India, 1950 - Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Avidit Noliyal, B.S. Rawat

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. The Applicant- Manoj Kumar is in judicial custody for the offence punishable under Sections 309(4), 317(2), Section 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 read with Section 25 of the Arms Act, 1959 in Case Crime No.264 of 2025, registered at Police Station Kaliyar Sharif, District Haridwar.

2. As per the First Information Report dated 02.10.2025, 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.

3. Heard Mr. Avidit Noliyal, learned counsel for the applicant and Mr. B.S. Rawat, learned Assistant Government Advocate for the respondent.

4. Mr. Avidit Noliyal, Advocate, contended that the applicant has been falsely implicated in the present matter. He is an innocent person. He was not involved in the said offence. The alleged recovery of a mobile from the possession of the present applicant is false. There was no independent witness at the time of the alleged recovery from the possession of the applicant. This fact also makes the story of police doubtful. Applicant has no criminal antecedents. He is a permanent resident of District Haridwar, therefore, there is no possibility of his absconding. He is in custody since 07.10.2025, and, co-accused Sunil and Ankur Saini, have already been granted bail by this Court.

5. Mr. B.S. Rawat, learned Assistant Government Advocate has opposed the bail application orally.

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 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- Manoj Kumar 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.