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**(2025) 12 UK CK 0038**

**Uttarakhand HC**

**Case No:** First Bail Application No. 2363 Of 2025

Mohd. Faruk

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

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**Date of Decision:** Dec. 8, 2025

**Acts Referred:**

- Bharatiya Nyaya Sanhita, 2023 - Section 3(5), 109, 115(2), 126(2), 190, 191(2), 191(3), 324(2), 352
- Constitution Of India, 1950 - Article 21

**Hon'ble Judges:** Alok Kumar Verma, J

**Bench:** Single Bench

**Advocate:** Shumayla Zafri, Lubhna Jahan, Sandeep Sharma, Chitrarth Kandpal

**Final Decision:** Allowed

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**Judgement**

Alok Kumar Verma, J

1. The applicant is in judicial custody under Sections 109, 115(2), 126(2), 190, 191(2), 191(3), 3(5), 324(2) and Section 352 of the Bharatiya Nyaya Sanhita, 2023 in Case Crime No.202 of 2025, registered at Police Station Ramnagar, District Nainital.
2. As per the First Information Report dated 08.06.2025, the informant was beaten by the present applicant, co-accused Fardeen, three other named co-accused and other 10-15 unknown persons at around 5.40 p.m. on 07.06.2025, due to which he got injured. They also broke his mobile phone.
3. Heard Ms. Shumayla Zafri, learned counsel for the applicant and Mr. Sandeep Sharma, learned Assistant Government Advocate for the respondent.
4. Ms. Shumayla Zafri, Advocate submitted that the applicant was not present on the spot. He has been falsely implicated in the present matter. He is a permanent resident of District Nainital, therefore, there is no possibility of his absconding, and, he is not a convicted person. Co-accused

Fardeen has already been granted regular bail by this Court in First Bail Application No.1336 of 2025, and, the applicant is in judicial custody since 10.06.2025.

**5.** Mr. Sandeep Sharma, 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-Mohd. Faruk 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.