

(2025) 12 UK CK 0024

Uttarakhand HC

Case No: First Bail Application No. 1286 Of 2025

Devraj Panchal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 16, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023 - Section 3(5), 61(2)(a), 310(2), 317(3), 318(4)
- Constitution Of India, 1950 - Article 21

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Karan Singh Dugtal, Rangoli Purohit

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. Applicant-Devraj Panchal is in judicial custody for the offence punishable under Sections 310(2), 318(4), 61(2)(a), Section 317(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 in the First Information Report No. 87 of 2025, registered at Police Station Sitarganj, District Udham Singh Nagar.

2. According to the First Information Report dated 29.03.2025, the informant went to buy gold from the co-accused Smt. Kiran Kaur alias Babli on 27.03.2025. The named co-accused persons and other unknown persons took Rs.70,00,000/- (Rupees Seventy Lakh) from the informant and ran away from the spot.

3. Heard Mr. Karan Singh Dugtal, learned counsel for applicant and Mrs. Rangoli Purohit, learned Brief Holder for the respondent.

4. Mr. Karan Singh Dugtal, Advocate, contended that the applicant was not present on the spot. He is not named in the First Information Report. Test Identification Parade was not conducted. He has been falsely implicated during the course of the investigation. A sum of Rs.1,50,000/- is shown to have been recovered from the

possession of the applicant. The said recovery is totally false. There was no independent witness at the time of the alleged recovery. The police forcibly obtained the signatures of the applicant on the recovery memo. Applicant has no criminal antecedents. He is a permanent resident of District Muzaffarnagar, Uttar Pradesh, therefore, there is no possibility of his absconding. He is in judicial custody since 16.05.2025, and, Balbeer Singh, Sukhvinder Kaur and Lakhvinder Singh alias Lakha, the co-accused persons, have already been granted regular bail by this Court.

5. Mrs. Rangoli Purohit, 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 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-Devraj Panchal 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.