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**(2023) 07 UK CK 0121**

**In the Uttarakhand High Court**

**Case No : First Bail Application No. 1193 Of 2023**

Prempal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

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**Date of Decision : 20-07-2023**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439  
Arms Act, 1959 — Section 3, 25

**Citation : (2023) 07 UK CK 0121**

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

**Bench : Single Bench**

**Advocate : Ajay Joshi, S.T. Bhardwaj**

**Final Decision : Allowed**

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## **Judgement**

Alok Kumar Verma, J

1. Present Application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail in connection with Case Crime No. 113 of 2023, registered at police station I.T.I., District Udham Singh Nagar under Section 3/25 of the Arms Act, 1959.

2. Heard Mr. Ajay Joshi, learned counsel holding brief of Mr. D.C.S. Rawat, learned counsel for the applicant and Mr. S.T. Bhardwaj, learned Deputy Advocate General for the State.

3. As per allegations of the First Information Report dated 03.05.2023, a country made pistol 315 bore and one live cartridge were recovered from the possession of the present applicant.

4. Mr. Ajay Joshi, learned counsel appearing for the applicant, contended that the applicant is an innocent person. He has been implicated in the present matter. Nothing was recovered from his possession. The said recovery was planted. Applicant has not been convicted by any Court. He is in custody since

04.05.2023, and, he is a permanent resident of District Udham Singh Nagar.

5. On the other hand, learned counsel for the State has opposed the bail application orally.

6. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

7. The Bail Application is allowed.

8. Let the applicant – Prempal 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.