

(2025) 10 UK CK 0356
In the Uttarakhand High Court
Case No : First Bail Application No. 1297 Of 2025

Upkar	Vs	APPELLANT
State Of Uttarakhand		RESPONDENT

Date of Decision : 29-10-2025

Acts Referred:

Indian Penal Code, 1860 — Section 307Arms Act, 1959 —
Section 3, 25Constitution Of India, 1950 — Article 21

Citation : (2025) 10 UK CK 0356

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Bharat Singh, Bilal Ahmed, Pradeep Lohani

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. The Applicant- Upkar is in judicial custody for the offence punishable under Section 307 of the Indian Penal Code, 1860 and Section 3 read with Section 25 of the Arms Act, 1959 in Case Crime No.396 of 2023, registered at Police Station Bhagwanpur, District Haridwar.
2. According to the First Information Report dated 14.06.2023, the applicant and the co-accused Ankur Chamar opened fire on the police on 13.06.2023 at about 23.40 o' clock. The police also opened fire in self-defense. They (applicant and the co-accused) both got injured. A 12 bore country made pistol, one spent cartridge and two live cartridges were recovered from the possession of the co-accused Ankur Chamar. A 12 bore country made pistol, one spent cartridge and two live cartridges were recovered from the possession of the present applicant. They were arrested.
3. Heard Mr. Bharat Singh, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.

4. Mr. Bharat Singh, Advocate, contended that the applicant was not involved in the said offence. The alleged country made pistol and cartridges were not recovered from the possession of the applicant. The alleged recovery was planted. There was no independent witness at the time of the alleged incident. This fact also supports the submissions of the applicant. Applicant is not a convicted person. He is a permanent resident of District Saharanpur, Uttar Pradesh, therefore, there is no possibility of his absconding. Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence. Ankur Chamar, the co-accused of similar role, has been granted regular bail by the learned Ist Additional Sessions Judge, Roorkee, District Haridwar, and, applicant is in custody since 14.06.2023.

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 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- Upkar 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.