

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital: the 31st day of March, 2010

Ist Bail Application No. 364 of 2010

Order on the Bail application of accused.

CRIMINAL SIDE

Mahendra Singh Saini

.....Applicant (In jail)

Versus

State of Uttarakhand

..... Opposite Party

Arising out of FIR No. 47 of 2009,
U/s 147, 148, 149, 332, 333, 395, 397, 353, 412, 435, 336, 341,
427, 34, 120B IPC, Section 7 of Criminal Law Amendment Act and
Section 3 of PPDP Act,
PS Kaladhungi, District Nainital.

March 31, 2010

HON'BLE DHARAM VEER, J.

Mr. RS Sammal, Mr. Vishal Singh and Mr. Prem Kaushal, Advocates for the applicant.

Mr. GS Shandhu, GA for the State.

Heard.

Learned Counsel for the applicant submitted that the incident in question relates to a mob reaction on Haldwani Kaladhungi Motor Road near Chakluva, to the murder of one Balwant Singh Kanyal, Block Pramukh, Kotabagh (within the premises of police station, Kaladhungi).

Learned Counsel for the applicant pleaded that the present applicant is not named in the FIR. It is further pleaded that in the video CD/photographs produced in the court, present applicant is not specifically shown in action. It is further submitted that whatever incident took place was the result of a sudden provocation and without any intention or motive and no specific action has been shown by the prosecution against the present accused applicant. It is also submitted that co-accused Lal Singh Saini and Kapil Kanyal @ Chotu have been granted bail vide order dated 18.2.2010 passed by this Court and the applicant is also entitled for bail on the basis of parity. It is further submitted that the applicant has got no previous criminal history, who is in jail since last six months and the trial is yet to begin.

Having heard the submissions of learned Counsel for the parties; perusal of the contents of the FIR and other

papers available on record; footage of video CD/photographs produced in the Court; in view of the facts and circumstances of the case and without commenting upon the final merits of the case, the Court is of the view that the applicant deserves bail at this stage.

Let the applicant Mahendra Singh Saini be released on bail on his executing a personal bond and furnishing of two sureties, each in the like amount, to the satisfaction of CJM, Nainital.

Bail application is allowed accordingly.

(Dharam Veer, J.)

31.3.2010
PRABODH