

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**31<sup>st</sup> JANUARY, 2022**

**FIRST BAIL APPLICATION NO. 167 of 2022**

Between:

Bilal. ...Applicant

and

State of Uttarakhand. ...Respondent

Counsel for the Applicant : Mr. Ankur Sharma,  
learned counsel.

Counsel for the State : Mr. B.S. Thind, learned Brief  
Holder.

**Hon'ble Alok Kumar Verma,J.**

This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with Case Crime No.72 of 2021, registered with Police Station Vikasnagar, District Dehradun for the offence under Section 411 of IPC.

2. According to the present matter, in the night of 21.02.2021, some jewelries along with cash were stolen from the house of the informant. The FIR was registered against the unknown persons. During the investigation, some jewelries were recovered from the possession of the present applicant.

**3.** Heard Mr. Ankur Sharma, the learned counsel for the applicant and Mr. B.S. Thind, the learned Brief Holder for the State through video conferencing.

**4.** Mr. Ankur Sharma, the learned counsel for the applicant, submitted that nothing was recovered from the possession of the applicant; no independent witness was taken in the alleged recovery proceedings; no identification parade was conducted; the applicant is in custody since 14.08.2021; the said offence is triable by the Magistrate and the charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

**5.** On the other hand Mr. B.S. Thind, the learned Brief Holder for the State 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 submission 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.

**8.** The bail application is allowed.

**9.** Let the applicant-Bilal 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.

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**ALOK KUMAR VERMA, J.**  
Vacation Judge

Dt: 31<sup>st</sup> January, 2022  
Neha