

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1821 of 2022

Sonu Sharma

.....Applicant

Versus

State of Uttarakhand

.....Opposite Party

Present:-

Ms. Divya Jain, Advocate for the applicant.
Mr. B.P.S. Mer, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Sonu Sharma is in judicial custody in FIR No. 46 of 2021, under Section 302 IPC, P.S. GRP Haridwar, District Haridwar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, on 17.08.2021, in Train No. 09032 Yoga Express, in Coach No. S-04, a person was found in seriously injured condition. He was taken to hospital, when FIR was lodged. Subsequently, that person, who was deceased Roshan Lal, died.

4. Learned counsel for the applicant would submit that there is no evidence against the applicant; there had been no Test Identification Parade; the applicant had no

motive to kill the deceased; there is no independent witness of the recovery. Reference has been made to the statement of PW 1 Sanjeev Verma, the Travelling Ticket Examiner, who did not identify the applicant in court.

5. Learned counsel for the State would submit that there is immense evidence against the applicant; he was identified by the witnesses soon after the incident, when arrested; the DNA profiling confirms his involvement in the crime.

6. One of the very peculiar feature of this case is that the skin of the applicant, according to the prosecution, is pigmented. He was spotted at the Platform just after the incident, with blood all over his body. The specimens were taken. The nail clipping of the deceased were also taken at the time of post-mortem. The DNA examination report confirms that, in fact, the blood, which is collected from the clothes of the applicant, his hands, the knife, which he got recovered, and particularly of the nail clipping of the deceased had the same human male source. Does not it connect the applicant with the offence of killing the deceased?

7. Having considered, this Court is of the view that it is not a case fit for bail. Accordingly, the bail application deserves to be rejected.

8. The bail application is rejected.

(Ravindra Maithani, J.)
30.11.2022

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