

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Bail Application (IA No.1 of 2024)

In

Criminal Appeal No.75 of 2024

Harvinder Singh @ Happy and Anr.Appellants

Versus

State of UttarakhandRespondent

Present:-

Mr. S.R.S. Gill, Advocate for the appellants.

Ms. Manisha Rana Singh, learned Deputy Advocate General for the State.

Coram:Hon'ble Ravindra Maithani, J.

Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the judgment and order dated 03.02.2024, passed in Sessions Trial No.67 of 2020, State vs. Harvinder Singh @ Happy and others, by the court of 2nd Additional Sessions Judge, Kashipur, District Udham Singh Nagar. By it, the appellant has been convicted under Section 302 of IPC and sentenced accordingly. The appellant Harvinder Singh @ Happy seeks bail in this appeal.

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

3. The deceased was married to appellant in the year 2005, but the deceased was not happy in her in-laws house as she was harassed and tortured for demand of dowry; she was tortured on multiple occasions. On 12.02.2020, her dead body was found in a deserted place.

4. Learned counsel for the appellant submits that there is no evidence against the applicant. Allegedly, a bed-sheet was recovered from the possession of the applicant, which was used for smothering, but it is argued that it does not connect the bed-sheet with the offence in any manner.

5. Learned State Counsel submits that, in fact, the deceased had extramarital relationships with multiple persons. One of whom, PW2, Amandeep Singh has been examined in the court, who has stated that on 07.02.2020, the deceased stayed with him; she returned home on 08.02.2020, when he telephonically talked to her. It is argued that when the deceased went missing, the appellant could have reported the matter, but he did not and he has not assigned any reason as to why and when the deceased left his house. It is also argued that according to the Investigating Officer, the appellant did not attend the funeral of the deceased.

6. Learned counsel for the appellant submits that these evidences do not connect the appellant to the offence.

7. It is a stage of bail post conviction. Much of the discussion, at this stage, is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the proceedings and in any other matter.

8. A motive has been attributed to the appellant. In terms of evidence, a bed sheet and a mobile were allegedly recovered. But how it is connected with the crime? This & many more questions would find answer during hearing of the appeal.

9. Having considered the statement of the victim and other attending factors, this Court is of the view that it is a case in which the execution of sentence should be suspended and the appellant be enlarged on bail.

10. The bail application is allowed.

11. The execution of sentence appealed against is suspended during the pendency of the appeal.

12. The appellant – Harvinder Singh @ Happy be released on bail, during the pendency of the appeal, on his executing personal bonds and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

13. List in due course.

(Siddhartha Sah, J.)
08.04.2026

(Ravindra Maithani, J.)
08.04.2026