



2026:UHC:4790

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><b><u>BA1/1033/2026</u></b></p> <p><b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"><li>1. Mr. Mohd. Safdar, learned counsel for the applicant.</li><li>2. Mr. Tumul Nainwal, learned A.G.A for the State.</li><li>3. The present applicant Faiz Alam @ Faizu, S/o Imran is praying for regular bail in reference to FIR dated 21.05.2025 bearing FIR No. 409 of 2025, P.S. Manglore District Haridwar lodged by one Samar Daraj implicating Shahalam, Abdul Rahman, Faizu, Sahil, Gulzar for the offences punishable under Sections 103(1), 109(1), 115(2), 190, 191(2), 191(3) and 351(2) of BNS 2023.</li><li>4. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and the injured and the deceased, in fact, assaulted by other co-accused, namely, Shahalam and Sahil, and, as per the CCTV footages, the applicant was not carrying any knife which was used in the commission of crime.</li><li>5. In para 6, a specific averment has been made that on perusal of the post mortem report of deceased 'Samar Khan' as well as medical report of the injured Samad Khan, Salman and Uvesh neither the deceased nor any of the injured person have suffered any grievous injury from a blunt object. The injury report of the three injured persons are also enclosed as Annexure-4.</li><li>6. Learned counsel for the applicant further submits that there is material contradictions on the statement of the witnesses and the post mortem report reveals that the victim died between 2:00 pm to 8:00 pm on 20.05.2025, i.e. after 5 to 11 hours of the alleged incident. He further submits that the arrest of the applicant is under gross violation of the Constitution and ground of arrest were never provided to the applicant as per the mandate of Article 22(1) of the Constitution of India and even in the arrest</li></ol>



memo no ground of arrest is shown. He further submits that PW1 Samardaraj, P.W.2 Samad Khan (injured),PW3 Uvesh Khan(injured) and PW4 Aarif (injured) have not disclosed about involvement of the present applicant in the commission of crime. He further submits that other co-accused, namely, 'Abdul Rahman' and 'Gulzar' have been enlarged on bail by the Coordinate Bench on 10.03.2026 and 07.05.2026. He submits that these two co-accused who have been enlarged on bail by the Coordinate Bench was granted bail after taking into consideration that neither the deceased nor any of the injured person sustained any grievous injury.

7. Mr. Safdar, learned counsel also submits that the present applicant also claims parity of other co-accused, namely 'Abdul Rahman' and 'Gulzar' who have been enlarged on bail by the Coordinate Bench, since, identical role is assigned to him. He submits that as per the prosecution main role has been assigned to other co-accused who are in jail. He further submits that charge sheet has already been filed and the trial has been commenced and since the applicant is languishing in jail since 22.05.2025, there is no need of further custodial interrogation and further there is no possibility of tempering with the evidence since investigation is completed, therefore the applicant may be enlarged on bail.

8. On the other side, Mr. Tumul Nainwal, learned A.G.A. for the State vehemently opposed the bail application by submitting that false statement has been given in para 6 of the bail application that deceased had not sustained grievous injury. He also submits that parity of other co-accused 'Abdul Rahman' and 'Gulzar' cannot be given to the present applicant since wrong impression was given to the Coordinate Bench that the deceased had not sustained any injury which was danger to life which is evident from the fact that the deceased died due to injury caused to him at the time of the incident. In addition to this, in reference to the injury of other injured, he submits that the injury report are on record and the injury of Samad Khan



reveals that it was caused by the hard and blunt object, though, injury no. 1 was found to be fresh and simple in nature. In reference to injury of Salman he submits that medical report reveals that injury was caused by the sharp object. He further submits that after collecting all credible evidence, charge sheet has been filed and the involvement of the present applicant cannot be ruled out. He further submits that it is a case of organized crime with common intention and motive.

9. After hearing the arguments of the learned counsel for the parties and after gone through with the injury report, post mortem report as well as the orders passed by the Coordinate Bench granting bail to the other co-accused, Abdul Rahman and Gulzar this Court is of the view that the applicant does not deserve for bail including benefit of parity of other co-accused, since, in the order of the Coordinate Bench a reference has been made that the deceased had not sustained grievous injury which is completely false which itself reveals that wrong impression has been given to the Coordinate Bench, not only this, even in para 6 a further attempt has been made to show that the deceased had not sustained grievous injury. Apart from this, the applicant does not deserve for bail due to gravity of the offence.

10. Accordingly, instant bail application is rejected.

**(Rakesh Thapliyal, J.)**  
**15.06.2026**

Parul