

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Bail Application (IA) No.1 of 2023  
In  
Criminal Appeal No. 734 of 2023**

Harendra Chauhan .....Appellant/Applicant

Vs.

State of Uttarakhand ..... Respondent

Present : Ms. Pushpa Joshi, Senior Advocate assisted by Mr. Saurav Adhikari,  
Advocate for the appellant/applicant.  
Mr. Siddharth Bisht, AGA with Mr. Rakesh Negi, Brief Holder for the  
State.

**With  
Bail Application (IA) No.1 of 2023  
In  
Criminal Appeal No. 786 of 2023**

Jiwan Singh .....Appellant/Applicant

Vs.

State of Uttarakhand ..... Respondent

Present : Mr. Vikas Anand and Ms. Gyanmati Kushwaha, Advocates for the  
appellant/applicant.  
Mr. Siddharth Bisht, AGA with Mr. Rakesh Negi, Brief Holder for the  
State.

**Coram : Hon'ble Ravindra Maithani. J.  
Hon'ble Siddhartha Sah, J.**

**Hon'ble Ravindra Maithani, J. (Oral)**

Since both these appeals arise from a common judgment and order, they are heard together.

2. Instant Criminal Appeals are preferred by the appellants Harendra Chauhan and Jiwan Singh, against the judgment and order dated 27.09.2023 and 05.10.2023, passed in Sessions Trial No.81 of 2017, State of Uttarakhand vs. Pappu Singh Rana and others, by the court of Additional Sessions Judge,

Khatima, District Udham Singh Nagar. By it, the appellants Harendra Chauhan and Jiwan Singh have been convicted and sentenced under Sections 302, 201, 364-A, 342, 120-B read with Section 34 IPC and under Sections 302, 201, 364-A, 342, 120-B, 212 read with Section 34 IPC respectively. The appellants Harendra Chauhan and Jiwan Singh seek bail during pendency of these appeals.

3. Heard on Bail Applications.

4. The deceased Suraj Chand had left his home on 03.07.2016. At 08:00, in the evening, he was talking to his wife Manju Devi, but he did not return. The report was lodged on the next day.

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

6. Learned counsel for the appellant Harendra Chauhan submits that there is no evidence against the appellant; nothing was recovered from him; he was working with one Lalit Jyala, who had enmity with the deceased; merely on the ground that the appellant was talking to Lalit Jyala, he has been implicated in the case.

7. Learned State Counsel does not dispute it. Though, according to him, PW5 had stated that on 03.07.2016, at 2 – 2:30 pm, they had seen the appellant Harendra Chauhan with the co-convict Ishwari Singh. If the appellant was in the company of the co-convict, what difference does it make? How is it incriminating

has not been stated. Merely based on calls that were made by the appellant to the co-convict Lalit Jyala, can a finding of guilt be recorded? This and many more questions will find answer during trial.

8. Having considered, this Court is of the view that it is a case fit for bail in so far as appellant Harendra Chauhan is concerned.

9. In so far as the appellant Jiwan Singh is concerned, learned counsel for the appellant submits that allegedly a bed-sheet was recovered from his house, but it was never sent for forensic examination. Learned counsel submits that according to prosecution, Lalit Jyala abducted the deceased and confined him in the house of Jiwan Singh. Subsequently, he took the deceased from the house of Jiwan Singh and killed him and his dead body was dumped in the pit of the co-convict Suresh Singh Rana.

10. The co-convict, who is mother of the appellant Jiwan Singh has already been enlarged on bail. The bed-sheet was never forwarded for Forensic Science Laboratory for examination.

11. These facts are also not denied by the learned State Counsel. Learned State Counsel also submits that four blank stamp papers were also recovered from the house of the appellants Jiwan Singh and Munni Devi.

12. Having considered the entirety of facts, this Court is of the view that in so far as the appellant Jiwan Singh is concerned, he is also entitled for bail.

13. Having considered, this Court is of the view that these are the cases in which the execution of sentence should be suspended and the applicants/appellants be enlarged on bail.

14. The bail applications are allowed.

15. The execution of sentence, which is under challenge in these appeals shall remain suspended during the pendency of these appeals.

16. Let the applicants/appellants Harendra Chauhan and Jiwan Singh be released on bail, during pendency of these appeals on their executing a personal bond and furnishing two reliable sureties, each of the like amount, by each one of them, to the satisfaction of the court concerned.

17. List along with connected cases.

(Siddhartha Sah, J.) (Ravindra Maithani, J.)  
18.02.2026

Sanjay