

Judgment reserved on:-19.03.2026

Judgment delivered on:-23.03.2026

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Appeal No.701 of 2025

Vaseem alias HappaAppellant

Versus

State of UttarakhandRespondent

Presence:-

Mr. Vikas Kumar Guglani, learned counsel for the appellant.

Mr. R.K. Joshi, learned A.G.A. for the State.

Coram :Hon'ble Manoj Kumar Tiwari, J.

Hon'ble Pankaj Purohit, J.

Hon'ble Pankaj Purohit, J. (Oral)

This criminal appeal is directed against the judgment and order dated 17.11.2025, passed by learned Special Judge (U.A.P. Act)/First Additional Sessions Judge, Haldwani, District Nainital in FIR No.21 of 2024, under Sections 147, 148, 149, 307, 323, 332, 341, 342, 353, 395, 427, 436, 333, 412 & 120B of IPC, Section 7 of Criminal Law Amendment Act, 1932 and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 & Section 15/16 of the Unlawful Activities (Prevention) Act, 1967, whereby Bail Application No.311 of 2025 (in S.S.T. No.01 of 2024), *Vaseem alias Happa Vs. State of Uttarakhand*, was rejected.

2. The brief facts of the case involved in the present criminal appeal are that FIR No.21 of 2024, under Sections 147, 148, 149, 307, 323, 332, 341, 342, 353, 395, 427, 436, 333, 412 & 120B of IPC, Section 7 of Criminal Law Amendment Act, 1932 and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 & Section 15/16 of the Unlawful Activities (Prevention) Act,

1967 were registered against unknown persons in Police Station Banbhoolpura, District Nainital on 09.02.2024. In the FIR, it has been alleged by the informant that while the team of administration and police went to demolish and remove the illegal construction at *Malik-ka-Bagicha* in Haldwani on 08.02.2024, several persons assembled there and committed violence, arson and rioting with the team of administration and police; hurled petrol bombs, fired from illegal weapons and snatched the weapons of the police. It has also been mentioned in the FIR that the rioters even attacked the then police S.H.O. of Police Station Mukhani, Mukhani's vehicle and snatched the service revolver of the S.H.O. which were not recovered till date. The appellant/applicant has been arrested on 19.02.2024 on the charge of the aforesaid offences.

3. It is admitted that the provisions of Section 15/16 of the Unlawful Activities (Prevention) Act, 1967 were invoked subsequently during investigation against the appellant/applicant and other persons who have been arrested during investigation. The name of the appellant/applicant came into light on being identified in CCTV footage.

4. The bail application of the appellant/applicant has been rejected by the learned Special Judge (U.A.P. Act)/Ist Additional Sessions Judge, Haldwani, Nainital as stated above by the impugned judgment and order. It is feeling aggrieved by the aforesaid judgment and order, the appellant/applicant is before this Court.

5. The objections were called from the State. Objections have been filed on behalf of the State along with Delay Condonation Application (IA No.2 of 2025). For the reasons stated in the affidavit, the delay condonation application is allowed. Delay in filing the

objections is condoned. Objections are taken on record.

6. The State in its objections opposed the bail application by stating that the appellant/applicant was involved in the serious offence of rioting, arson and violence that too with the officers of the administration and Police. It has also been stated that in the statement of S.O. Neeraj Bhakuni recorded under Section 161 Cr.P.C. as well as of the police witnesses that the involvement of appellant/applicant is proved; the illegal arms and petrol bombs were stored under a well planned conspiracy and public officers were attacked with the intention of killing them by using petrol bombs etc. by demonstrating criminal force. The State further stated that the criminal activities done by the appellant/applicant falls within the definition of terrorist attack with the purpose of creating terror among the people and the attack caused by the crowd of which the appellant/applicant was part of, caused irreparable damage to the property of nation and it created fear in the mind of general public. Therefore, offence is made out against the appellant/applicant.

7. It is further submitted by the State that after completion of the investigation, the investigating officer has filed a charge-sheet against the appellant/applicant before the court concerned.

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

9. Learned counsel for the appellant/applicant submitted that appellant/applicant has falsely been implicated with the incident; he has no concern with the alleged violence rioting and arson. He further submitted that there is no concrete evidence with the prosecution to connect the appellant/applicant with the incident happened on 08.02.2024 at *Malik-Ka-Bagicha* in

Haldwani. The role assigned to appellant/applicant is of general in nature pushing with others and, therefore, he is entitled to be released on bail by this Court after setting aside the judgment and order impugned. He further submitted that merely on the basis of a C.C.T.V. footage, he cannot be nailed as he was resident of the area. He is a daily wager by profession. He is in jail since 19.02.2024. He has no criminal antecedent.

10. *Per contra*, learned Assistant Government Advocate for the State strongly opposed the appeal and grant of bail to the appellant/applicant. The role assigned to the appellant/applicant is that he was a member of crowd and involved in committing pushing and shoving. He further submitted that though he has not been named in the FIR because the FIR was against unknown persons, but his name was figured during investigation and he was identified from the video footage of the incident.

11. We have perused the record of the case and the statements recorded under Section 161 Cr.P.C. In statement under Section 161 Cr.P.C, there is mention of the name of appellant/applicant who was shown to have inciting people for pelting stones. He was also spotted in C.C.T.V. footage.

12. Having considered the submissions of both the learned counsel for the parties and having gone through the record of the case, this Court is of the view that there is no direct evidence against the appellant/applicant. The prosecution could not tell us as to who has named or identified the appellant/applicant even from the C.C.T.V. footage. It is also in the mind of this Court that since the appellant has already spent two years in custody in connection with the alleged FIR, he is entitled to be released on regular bail, as argued by learned counsel for

the appellant/applicant.

13. Accordingly, the present criminal appeal is allowed. The judgment and order dated 17.11.2025, passed by learned Special Judge (U.A.P. Act)/First Additional Sessions Judge, Haldwani, District Nainital in FIR No.21 of 2024, under Sections 147, 148, 149, 307, 323, 332, 341, 342, 353, 395, 427, 436, 333, 412 & 120B of IPC, Section 7 of Criminal Law Amendment Act, 1932 and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 & Section 15/16 of the Unlawful Activities (Prevention) Act, 1967, in Bail Application No.311 of 2025 (in S.S.T. No.01 of 2024), *Vaseem alias Happa Vs. State of Uttarakhand and others*, is hereby set-aside. The appellant/applicant-Vaseem alias Happa is directed to be released immediately on regular bail on his executing personal bond and furnishing two reliable sureties, each of the like amount to the satisfaction of the court concerned in connection with FIR No.21 of 2024, provided he is not required in connection with any other matter.

14. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

23.03.2026

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