

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

IA No.1 of 2024 For Bail Application
In
Criminal Appeal No. 758 of 2024

Surendra Pal Appellant

Vs.

State of Uttarakhand Respondent

Present:

Mr. Vikas Anand, Advocate for the appellant.

Mr. Manisha Rana Singh, D.A.G. for the State.

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

Hon'ble Ravindra Maithani, J. (Oral)

The instant appeal has been preferred against judgment and order dated 25.10.2024, passed in Sessions Trial No.31 of 2020, State Vs. Prempal and another, by the court of Third Additional District and Sessions Judge, Rudrapur, District Udham Singh Nagar. By it, the appellant has been convicted and sentenced under Sections 201 and 120-B IPC.

2. Heard.

3. This appeal has already been admitted.

4. List in due course for final hearing.

5. Heard on First Bail Application (IA) No.1 of 2024

6. The wife of the PW1, Hetram, had left him and joined the company of the co-convict Prempal. The informant persuaded the co-convict Prempal to release his wife, but he did not pay heed to his requests. On 22.09.2019, the informant came to know that his wife has been killed by the co-convict Prempal. According to the prosecution case, after killing, co-convict

Prempal took the help of the appellant in cutting the dead body into pieces and concealing it.

7. Learned counsel for the appellant submits that there is no evidence against the appellant except the statement of co-convict Prempal, and recovery of some clothes, allegedly blood stained, at the instance of the appellant. He also submits that except this alleged recovery, there is no evidence against the appellant. It is a case based on circumstantial evidence. The chain is not complete. No witness has seen the appellant either disposing of the dead body or cutting it into pieces.

8. In support of his contention, learned counsel for the appellant has placed reliance on the principles of law, as laid down by the Hon'ble Supreme Court in 2025 SCC OnLine SC 1387, State of Rajasthan Vs. Hanuman. In the case of Hanuman (*supra*), in Para 7, the Hon'ble Supreme Court observed as hereunder:-

“7. This Court in the case of Raja Naykar v. State of Chhattisgarh (2024) 3 SCC 481 held that mere recovery of a blood-stained weapon even bearing the same blood group of the victim would not be sufficient to prove the charge of murder.”

9. Learned State Counsel does not dispute the factual aspects, but she submits that clothes that were recovered from the instance of the appellant had DNA of the deceased.

10. The only evidence against the appellant, and as per even prosecution, is that the co-convict Prempal revealed the name of the appellant, and at his instance, some blood stained clothes were recovered, which had the DNA of the deceased.

11. Having considered this and other attending factors, we are of the view that it is a case in which the execution

of sentence should be suspended and the appellant be enlarged on bail.

12. The bail application is allowed.

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

14. The appellant be released on bail during the pendency of the appeal on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

(Siddhartha Sah, J.)

23.03.2026

(Ravindra Maithani, J.)