

Shikha Panwar vs State Of Uttarakhand on 17 June, 2022

Author: Ravindra Maithani

Bench: Ravindra Maithani

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1219 of 2022

Shikha Panwar

.....Applicant

Versus

State of Uttarakhand
Present:-

.....Respondent

Mr. Parikshit Saini, Advocate for the applicant.
Mr. Sachin Panwar, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Shikha Panwar, is in judicial custody, in FIR No. 362 of 2011, under Sections 420, 467, 468, and 471 IPC, Police Station Jwalapur, District Haridwar. She has sought her release on bail.

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

3. The FIR in the instant case was lodged on 17.11.2011. According to the FIR, the applicant forged caste certificate to contest an election. Charge sheet was submitted and cognizance was taken. That order was challenged under Section 482 of the Code of Criminal Prosecution, 1973, in Criminal Miscellaneous Application No. 1166 of 2012.

4. This Court, on 02.06.2015, gave liberty to the applicant to move an application for discharge and also to move an application for bail. Application for discharge was allegedly moved, which was rejected on 19.01.2016. That order was challenged in Criminal Revision No. 154 of 2016, which was allowed on 30.10.2019, by the court of IV Additional District & Sessions Judge, Haridwar ("the Revision") with the directions to decide the discharge application afresh.

5. In the revision, the record was summoned. Today, entire order sheet has been produced before the Court.

6. One fact is clear that pursuant to the orders of this Court, passed in Criminal Miscellaneous Application No.1166 of 2012, the applicant never appeared and never applied for the bail. When the case file was summoned in the revision, note sheet of the case was recorded on the skeleton file. Suddenly, on 20.12.2021, non-bailable warrants were issued against the applicant. She was arrested on 26.04.2021. The file of the case was received in the trial from revision court on 23.05.2022. Now on 02.06.2022, charges were framed and date is fixed for prosecution evidence.

7. Learned counsel for the applicant would submit that pursuant to the order dated 30.10.2019, passed in the Revision, the matter has not been heard afresh by the trial court on charge and straightway the charges have been framed.

8. That is one aspect of the matter. The matter pertains to the year 2011. The applicant was given liberty to move application for discharge and as stated, pursuant to order dated 30.10.2019, passed in the Revision, the trial court has been required to decide the discharge application afresh, which, as stated, has yet not been decided.

9. The entirety of facts makes out a case for bail.

10. The bail application is allowed.

11. Let the applicant be released on bail, on her executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.

(Ravindra Maithani, J.) 17.06.2022 Ravi Bisht