



2026:AHC:162477

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27063 of 2026

Ajab Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Diwan Saifullah Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Indra Bahadur Yadav, advocate filed his power on behalf of the informant which is taken on record.
2. Heard Sri D.S. Khan, learned counsel for the applicant, Sri Indra Bahadur Yadav, learned counsel for the informant and Sri Vijay Bahadur Maurya, learned AGA, for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.152 of 2026, under Sections 103(1), 140(1), 238, 61(2), 3(5) BNS, Police Station Loni, District Ghaziabad, during pendency of the trial.
4. Learned counsel for the applicant submits, FIR of the present case was lodged on 30.05.2026 against five accused (non-applicant) for offences punishable under Sections 109(1), 140(3), 3(5) BNS and according to the FIR named accused persons after causing firearm injury abducted the brother of the informant.
5. He next submits, subsequently when on 14.06.2026 it was found that dead body of the deceased was lying in Mathura then thereafter case was converted under Section 103(1) BNS.
6. He next submits, during investigation when statement of informant was recorded then he stated that one Hatam Singh informed him that about 7-8 days before applicant and several others were talking to eliminate the deceased and thereafter when statement of Hatam Singh was recorded

then he also reiterated the version of the informant and merely on this basis applicant has been made accused in the present matter.

7. He next submits, except the above statement of Hatam Singh there is no cogent evidence against the applicant on record.

8. He next submits, even postmortem report suggests, deceased died due to drowning and he did not sustain any external injury and therefore even at this stage it cannot be said that it is a case of homicidal death. He next submits, there is no evidence on record which can suggest that applicant involved in commission of the present crime.

9. It is further argued, it is a case of circumstantial evidence and without any cogent evidence applicant has been made accused in the present matter.

10. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 01.06.2026.

11. Per contra, learned AGA as well as learned counsel for the informant however opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

12. I have heard both the parties and perused the record of the case.

13. It is a case of circumstantial evidence and applicant was not named in the FIR but during investigation when informant stated that one Hatam Singh informed him that applicant and others were planning to commit murder of the deceased then thereafter he has been made accused in the present matter. Record suggests, except the allegation of hatching conspiracy there is no other allegation against the applicant. It reflects, even there is no cogent evidence of hatching conspiracy against the applicant on record.

14. Further, even postmortem report of the deceased suggests, he did not sustain any external injury and he died due to drowning. Considering the postmortem report of the deceased the argument advanced by learned counsel for the applicant that in absence of any other corroborative evidence prima facie at this stage it cannot be said that it is a case of

murder cannot be ruled out at this stage.

15. Further, applicant is not having any criminal history and in the present matter applicant is in jail since 01.06.2026.

16. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

17. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

18. Let the applicant - **Ajab Singh** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

19. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

20. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

August 4, 2026
Shahroz