



2026:AHC:174827

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29155 of 2026

Haribhan @ Kalua

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Aushim Luthra, Syed Imran
Ibrahim
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Syed Imran Ibrahim, learned counsel for the applicant and learned A.G.A. for State are present.

1A. Learned counsel for the applicant hands up the supplementary affidavit, the same is taken on record.

2. The present bail application has been moved by the applicant/ accused- **Haribhan @ Kalua** to enlarge him on bail in Case Crime No. 218 of 2026, under Sections 191(2), 115(2), 352, 351(3), 118(1), 109(1) BNS, P.S.- Ekta, District- Agra, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the FIR has been lodged on 16.05.2026 by one of the injured for the incident occurred at 05:00 p.m. on 15.05.2026 against three named and 8-10 anonymous persons implicated in the FIR excluding the accused/applicant. It is the contention of learned counsel that in the FIR there was dispute of the parking in the colony, wherein the co-accused and two of the injured, informant and his brother Dharmendra were residents of the same society, whereas Subhash another injured was of somewhere else. There is allegation that on the point of parking

dispute, there was an altercation between the parties and consequent assault by lathi and kulhari. In the charge sheet submitted by the police accused/applicant has been named, whereas other accused Mahavir and Jawahar, who are residents of same society have not been charge sheeted as the informant has not named them in his statement under Section 180 BNSS. The accused/applicant is the friend of the co-accused and therefore subsequently implicated. Further submits that three persons had suffered injuries. The injured/informant had suffered simple injuries as well as Dharmendra, the brother of injured/informant also suffered simple injuries. One of the injured Subhash has suffered four injuries, out of which one is grievous in nature, which is multiple fracture of skull bone. It is the contention of learned counsel that nearly 13 persons have been attributed the role in the FIR, of assault, who is the author of those assault is not clear. The accused-applicant is on better footing, then the co-accused Dushyant, who has been granted bail by this Court. The accused/applicant has four cases criminal history and in all the cases, he is acquitted. The charge sheet is submitted. The accused applicant is languishing in jail since 10.06.2026. He seeks to be enlarged on bail.

4. Learned A.G.A. for State has opposed the prayer for bail of the applicant, but could not dispute the aforesaid facts.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considering that the FIR does not contain the name of accused/applicant, who is the friend of the co-accused and considering the nature and number of injuries and corresponding number of 14 accused persons alleged in the FIR excluding the applicant, the accused/applicant is entitled to be released on bail.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant 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 court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674]** and **Policy Strategy for grant of bail in re [(2024)10SCC 685]**.

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

August 19, 2026

Shivangi