



2026:AHC:164182

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5740 of 2026

Waseem

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Alok Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. This is second bail application filed on behalf of the applicant and his first bail application has been dismissed by Hon. Mohd. Aslam J. vide order dated 5.7.2022 passed in CrI. Misc. Bail Application No. 10227 of 2022 but as Hon. Mohd. Aslam, J. has demitted the office and this Bench is dealing with such type of cases, therefore, the instant second bail application has been listed today before this Bench.
2. Heard Sri Alok Sharma, learned counsel for the applicant and Sri Ashutosh Singh, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 598 of 2020, under Sections 302, 34 IPC & 7 CrI. Law Amendment Act, Police Station Dadari, District Gautambudh Nagar, during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that this is second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by the co-ordinate Bench of this Court but in the present matter, applicant is in jail since 12.9.2020 i.e., for the last six years and till date, trial of the case could not be concluded.
5. He further submitted that till date out of twenty two witnesses, only three could be examined and therefore there is no hope of early disposal of the trial.
6. He further submitted that there is no evidence that applicant is delaying the trial.
7. He further submitted that as per prosecution incident has been witnessed

by two eye-witnesses and both the witnesses have already been examined by the trial court and therefore, even there is no chance of tampering with the prosecution evidence if applicant is enlarged on bail.

8. He further submitted that apart from the present case, applicant is having no other previous criminal history.

9. He further submitted that therefore, considering the facts of the case, applicant should be enlarged on bail.

10. Per contra, learned AGA opposed the prayer for bail and submitted that this is second bail application filed on behalf of the applicant and applicant is principal accused who by causing knife injuries committed murder of the deceased but could not dispute the fact that apart from the present case, applicant is having no other previous criminal history and in the present matter applicant is in jail for last almost six years.

11. He further could not dispute the fact that till date, out of twenty two witnesses, only three could be examined and there is no evidence that applicant is causing delay in trial.

12. He also could not dispute the fact that there were two eye witnesses of the incident and both the eye witnesses have already been examined by the trial court.

13. I have heard learned counsel for the parties and perused the record of the case.

14. However, this is second bail application filed on behalf of the applicant and his first bail application was dismissed by the co-ordinate Bench of this Court but it reflects, in the present matter, applicant is in jail for last six years and till date, trial of the case could not be concluded.

15. From the record it reflects, till date out of twenty two witnesses, only three could be examined and it appears, trial is moving with snail's speed and therefore there is no likelihood of its early disposal.

16. Further, there is no allegation that applicant is causing delay in trial.

17. Further, apart from the present case, applicant is having no other previous criminal history.

18. The law is settled that right of speedy trial is the fundamental right of an accused and on its violation, even in serious cases, he can be released on bail and considering the long incarceration of almost six years of the applicant, it

cannot be said that his fundamental right of speedy trial has not been violated.

19. The Apex Court recently in the case of **Sahil Manoj Machare vs. State of Maharashtra, 2026 SCC OnLine SC 810**, while considering SLP moved by the accused who was in jail for the last four years observed in para-6 as under:

"6. We are mindful of the fact that the petitioner is charged with the offence of murder but time and again, we have said that howsoever serious the crime may be, if the right of speedy trial is infringed, then Court must consider the plea for bail appropriately.

20. From the observation made by Apex Court in the case of **Sahil Manoj Machare (supra)**, it reflects after noticing the fact that it appears, the right of speedy trial of the petitioner has been infringed, the Apex Court was pleased to enlarge him on bail after considering his incarceration of about four years, even in case under Section 302 IPC.

21. Therefore, considering the facts and circumstances of the case discussed above and the observations made by Apex Court in the above-mentioned case, in view of this Court, applicant is entitled to be released on bail on the ground that it appears his fundamental right of speedy trial has been infringed in the instant matter.

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

23. Let the applicant-Waseem, 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.

24. 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.

25. 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.

August 5, 2026
Ankita

(Sameer Jain,J.)