



2026:AHC:168785

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7328 of 2026

Amit Tyagi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Nikhil Kumar Yadav, Ram Shiromani Yadav, Sr. Advocate, Vagish Yadav, Vishakha Pande, Yashaswin Venugopal Bajpai
Counsel for Opposite Party(s)	: Abhishek Tiwari, G.A., Lokesh Mishra, Mahendra Pandey

Court No. - 76

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Yashaswin Venugopal Bajpai and Sri Ram Shiromani Yadav, learned counsels for the applicant, Sri Abhishek Tiwari, learned counsel for the first informant and Sri Ajay Singh, learned A.G.A.-I for the State and perused the material on record.

3. On 05.08.2026 the following order was passed by this Court:-

"1. List revised.

2. Heard Sri Rakesh Pande, learned Senior Advocate assisted by Sri Yashaswin Venugopal Bajpai, learned counsel for the applicant, Sri Abhishek Tiwari, learned counsel for the opposite party no.2 and Sri Ajay Singh, learned A.G.A.-I for State and perused the record.

3. This is third bail application of the applicant.

4. The records of the matter show that the applicant was granted short-term / parole by a co-ordinate Bench of this Court vide order dated 25.06.2026. There is nothing on record to show that subsequent to the same the applicant has surrendered back.

5. Learned counsel for the applicant prays for a week's time to produce the surrender certificate of the applicant.

6. Prayer is allowed.

7. Let the matter be listed on 12.08.2026 as fresh."

4. Learned counsel for the applicant relied upon supplementary affidavit dated 10.08.2026 which is on record and placed Annexure-SA-2 being the order dated 04.07.2026 of the C.J.M., Ghaziabad by which on a surrender application of the applicant of the same date he was taken into custody and sent to jail. It is submitted that the parole / short-term bail of the applicant was granted from 25.06.2026 to 04.07.2026 and thus he has surrendered in time without any default.

5. The Court proceeds to hear the matter.

6. This bail application under Section 483 of B.N.S.S., 2023 has been filed by the applicant- **Amit Tyagi**, seeking enlargement on bail during trial in connection with Case Crime No. 0668 of 2020, under Sections 147, 148, 149, 302, 120-B and 34 I.P.C., Police Station Modi Nagar, District Ghaziabad.

7. This matter was taken up for the first time on 22.02.2026 and the following order was passed by this Bench:-

"1. List revised.

2. Sri Jyoti Kumar Singh, Advocate holding brief of Sri Vishakha Pande, learned counsel for the applicant and Sri Ajay Singh, learned AGA-I for the State are present.

3. This is third bail application.

4. List with previous papers at an early date before the appropriate Bench."

8. Subsequently the records show that a Short Term Bail / Parole Application No. 2/2026 was filed on behalf of the applicant on 19.05.2026 which was ordered to be listed with previous paper at an early date vide order dated 22.05.2026 passed by this Bench. Subsequently the office through its report dated 20.06.2026 mentions that the parole application is date fixed for 25.06.2026 and placed the matter before Hon'ble The Chief Justice for nominating a Bench to hear the same. Vide order dated 23.06.2026 Hon'ble The Chief Justice nominated the matter to be heard by another Bench. The said short-term bail was then heard on 25.06.2026 by another Bench of this Court and the following order was passed:-

"1. Pursuant to the nomination made by Hon'ble the Chief Justice, as reflected in the order-sheet and as apparent from the note of the In-charge Registrar (J), Listing dated 23.06.2026, the matter has been placed before this Court.

2. Instructions have been filed today by Sri Chandra Badan, learned A.G.A. for the State. The same are taken on record and marked as Appendix-A.

In Re: Criminal Misc. Short Term Bail/ 2nd Parole Application No. 3 of 2026:-

1. In Criminal Misc. Third Bail Application No. 7328 of 2026 under section 483 BNSS, the present short term bail/parole application has been filed on behalf of the applicant, Amit Tyagi s/o Harkesh Tyagi, who is confined in jail since 20.10.2020 in connection with Case Crime No. 0668 of 2020, under Sections 147, 148, 149, 302, 120-B and 34 IPC, Police Station Modi Nagar, District Ghaziabad.

2. The Short term bail has been sought on the ground that the marriage of the applicant's daughter is scheduled to be solemnized on 01.07.2026. It has been submitted that the presence of the applicant is necessary for performing various pre-marriage and marriage ceremonies and, therefore, he deserves to be released on short-term bail.

3. The prayer for grant of short-term bail has been seriously opposed by the learned A.G.A. However, he could not dispute the factum of the marriage of the applicant's daughter.

4. Considering the facts and circumstances of the case, this Court deems it appropriate to enlarge the applicant, Amit Tyagi, son of Harkesh Tyagi, on short-term bail in Case Crime No. 0668 of 2020, under Sections 147, 148, 149, 302, 120-B and 34 IPC, Police Station Modi Nagar, District Ghaziabad, for a period of ten days, commencing from 25.06.2026 and continuing till 04.07.2026 (both days inclusive), subject to the conditions to be imposed by the court concerned at the time of his release:

(i) That the appellant shall observe peace and tranquility during the period of short term bail and shall not indulge in any unlawful activity.

(ii) That for the period of short term bail, the appellant shall be accompanied by necessary police guard(s) who shall keep him under 24 hours vigil but the appellant will be free to move about to places that he wants to go.

(iii) That the appellant shall surrender before the C.J.M., Ghaziabad immediately after the period of short term bail comes to an end and shall be sent back to jail.

5. This order be intimated to the C.J.M., Ghaziabad through the Registrar General High Court, Allahabad for making proper arrangement.

6. The concerned authority shall ensure that appropriate security steps are taken so that no uncalled for incident take place.

7. Let a copy of this order be supplied to the learned counsel for the appellant today itself on payment of usual charges.

8. The C.J.M.,Ghaziabad shall submit his report/certificate regarding compliance of the order of this Court by the date next fixed.

9. Application is, accordingly, allowed.

In Re: Criminal Misc. Short Term Bail/ Parole Application No. 2 of 2026:-

Since the second parole application has been filed for the same relief and the same has been allowed, the application has become infructuous and the same stands dismissed.

Order on Criminal Misc. Third Bail Application:-

List the matter before the appropriate Court."

9. A modification application dated 27.06.2026 then appears to have been filed in the matter to modify the order dated 25.06.2026, the same was taken up and the said Court passed the following order on 30.06.2026 in the matter:-

"1. This Court post passing of the order dated 25.06.2026, a modification application came to be preferred in which on 29.06.2026, Yesterday, the matter has been placed today.

2. Today when the matter has been taken up, learned counsel for the applicant has invited attention towards the supplementary affidavit so as to contend that with respect to the FIR being Case Crime No. 0133 of 2020 under Sections 25, 54 and 59 Arms Act, the applicant has been enlarged on bail on 18.05.2021. However, with respect to FIR being Case Crime No. 1071 of 2020 under Section 2 and 3 of the Gangster Act, as per the instruction received by him, the bail application has been rejected by the trial court.

3. Learned counsel for the applicant submits that the matter be adjourned for the day and be placed on 15.07.2026.

4. On his request put up this case on 15.07.2026, as fresh before appropriate Bench."

10. The office through its report dated 21.07.2026 placed on record an order of the Apex Court dated 14.07.2026 passed in Special Leave to Appeal (Crl.) No. 10526 / 2026 (Amit Tyagi Vs. State of U.P.), the said order reads as under:-

"1. Although the instant Special Leave Petition is purportedly against an innocuous order dated 27.02.2026, whereby the third bail application of the petitioner was directed to be listed before an appropriate Bench, in sum and substance, the prayer sought is for expeditious disposal of the said bail application, which is pending before the High Court. It may be true that the petitioner is involved in 21 cases, but the fact remains that he has already spent 5 years in custody.

2. In light of the principles laid down by this Court in a catena of judgments, it seems to us that High Court needs to decide the pending bail application in a time-bound manner. Consequently, we dispose of this Special Leave Petition with a request to the High Court to decide the pending bail application expeditiously and preferably within two weeks.

3. Pending application(s), if any, shall stand closed."

11. This Court thus considering the entire matter vide order dated 22.07.2026 directed that matter to be placed before Hon'ble The Chief Justice for nominating a Bench to hear this bail application. The order passed is as under:-

"1. List revised.

2. Heard Sri Rakesh Pandey, learned Senior Advocate assisted by Sri Yashaswin Venugopal Bajpai, learned counsel for the applicant, Sri Abhishek Tiwari and Sri Mahendra Pandey, learned counsels for the first informant and Sri Ajay Singh, learned AGA-I for the State and perused the records.

3. This is the third bail application. The first bail application of the application of the applicant was rejected by a co-ordinate Bench of this Court vide order dated 20.12.2021 in Crl. Misc. Bail Application No. 8201 of 2021 (Amit Tyagi Vs. State of U.P.). A second bail application of the applicant was filed which was released by the said Bench and the matter was then nominated to this Bench vide order dated 16.08.2024 passed by Hon'ble The Chief Justice. The second bail application was then rejected vide order dated 01.08.2025 by this Bench passed in Crl. Misc. Bail Application No. 28036 of 2024 (Amit Tyagi Vs. State of U.P.).

4. On 27.02.2026 the matter came up before this Court for the first time and the following order was passed:

"1. List revised.

2. Sri Jyoti Kumar Singh, Advocate holding brief of Sri Vishakha Pande, learned counsel for the applicant and Sri Ajay Singh, learned AGA-I for the State are present.

3. This is third bail application.

4. List with previous papers at an early date before the appropriate Bench."

5. The records show that against the said order, the applicant preferred SLP (Criminal) No. 10526 of 2026 (Amit Tyagi Vs. State of U.P.) in which the Apex Court passed the following order on 14.07.2026:

"1. Although the instant Special Leave Petition is purportedly against an innocuous order dated 27.02.2026, whereby the third bail application of the petitioner was directed to be listed before an appropriate Bench, in sum and substance, the prayer sought is for expeditious disposal of the said bail application, which is pending before the High Court. It may be true that the petitioner is involved in 21 cases, but the fact remains that he has already spent 5 years in custody.

2. In light of the principles laid down by this Court in a catena of judgments, it seems to us that High Court needs to decide the pending bail application in a time-bound manner. Consequently, we dispose of this Special Leave Petition with a request to the High Court to decide the pending bail application expeditiously and preferably within two weeks.

3. Pending application(s), if any, shall stand closed."

6. By the said order, a request was made to the High Court to decide the pending bail application of the applicant. The order sheet of the matter shows that short term bail/parole application was filed in the matter which was placed before Hon'ble The Chief Justice for nomination and vide order dated 23.06.2026 the matter was nominated to another Bench of this Court. The said nominated Bench then allowed the said short term bail application of the applicant vide order dated 25.06.2026 and granted short term bail for 10 days to the applicant. Further the order sheet shows that a modification application No. 5/2026 has been filed which has been placed on record by the office through its office report dated 29.06.2026. This matter is today listed before this Bench.

7. Since previously the short term bail/parole application was placed for nomination before Hon'ble The Chief Justice and vide order dated 23.06.2026 it was nominated to another Bench and the said Bench allowed the said short term bail/parole application, let the matter be placed before Hon'ble The Chief Justice again for nominating a Bench to hear the bail application.

8. Let the matter be listed before the appropriate Bench, if possible, on 29.07.2026 as fresh."

12. Vide order dated 28.07.2026 of Hon'ble The Chief Justice this matter was nominated to this Bench. The matter was then taken up on 29.07.2026 and an adjournment was sought on behalf of the applicant and thus vide order dated 29.07.2026 this Court adjourned the said matter. The said order reads as under:-

"1. List revised.

2. Sri A.K. Bisaria, Advocate holding brief of Sri Ram Shiromani Yadav, learned counsel for the applicant, Sri Abhishek Tiwari, learned counsel for the first informant and Sri V.D. OJha, learned counsel for State are present and have been heard and records perused.

3. This matter is today listed in the Supplementary Fresh List-II.

4. On 22.07.2026 while noting the facts of the matter as per the order-sheet this Court directed the matter to be placed for nomination before Hon'ble The Chief Justice. The order therein is as under:-

"1. List revised.

2. Heard Sri Rakesh Pandey, learned Senior Advocate assisted by Sri Yashaswin Venugopal Bajpai, learned counsel for the applicant, Sri Abhishek Tiwari and Sri Mahendra Pandey, learned counsels for the first informant and Sri Ajay Singh, learned AGA-I for the State and perused the records.

3. This is the third bail application. The first bail application of the application of the applicant was rejected by a co-ordinate Bench of this Court vide order dated 20.12.2021 in Crl. Misc. Bail Application No. 8201 of 2021 (Amit Tyagi Vs. State of U.P.). A second bail application of the applicant was filed which was released by the said Bench and the matter was then nominated to this Bench vide order dated 16.08.2024 passed by Hon'ble The Chief Justice. The second bail application was then rejected vide order dated 01.08.2025 by this Bench passed in Crl. Misc. Bail Application No. 28036 of 2024 (Amit Tyagi Vs.

State of U.P.).

4. On 27.02.2026 the matter came up before this Court for the first time and the following order was passed:

"1. List revised.

2. Sri Jyoti Kumar Singh, Advocate holding brief of Sri Vishakha Pande, learned counsel for the applicant and Sri Ajay Singh, learned AGA-I for the State are present.

3. This is third bail application.

4. List with previous papers at an early date before the appropriate Bench."

5. The records show that against the said order, the applicant preferred SLP (Criminal) No. 10526 of 2026 (Amit Tyagi Vs. State of U.P.) in which the Apex Court passed the following order on 14.07.2026:

"1. Although the instant Special Leave Petition is purportedly against an innocuous order dated 27.02.2026, whereby the third bail application of the petitioner was directed to be listed before an appropriate Bench, in sum and substance, the prayer sought is for expeditious disposal of the said bail application, which is pending before the High Court. It may be true that the petitioner is involved in 21 cases, but the fact remains that he has already spent 5 years in custody.

2. In light of the principles laid down by this Court in a catena of judgments, it seems to us that High Court needs to decide the pending bail application in a time-bound manner. Consequently, we dispose of this Special Leave Petition with a request to the High Court to decide the pending bail application expeditiously and preferably within two weeks.

3. Pending application(s), if any, shall stand closed."

6. By the said order, a request was made to the High Court to decide the pending bail application of the applicant. The order sheet of the matter shows that short term bail/parole application was filed in the matter which was placed before Hon'ble The Chief Justice for nomination and vide order dated 23.06.2026 the matter was nominated to another Bench of this Court. The said nominated Bench then allowed the said short term bail application of the applicant vide order dated 25.06.2026 and granted short term bail for 10 days to the applicant. Further the order sheet shows that a modification application No. 5/2026 has been filed which has been placed on record by the office through its office report dated 29.06.2026. This matter is today listed before this Bench.

7. Since previously the short term bail/parole application was placed for nomination before Hon'ble The Chief Justice and vide order dated 23.06.2026 it was nominated to another Bench and the said Bench allowed the said short term bail/parole application, let the matter be placed before Hon'ble The Chief Justice again for nominating a Bench to hear the bail application.

8. Let the matter be listed before the appropriate Bench, if possible, on 29.07.2026 as fresh."

5. The matter has been nominated to this Bench vide order dated 28.07.2026 by Hon'ble The Chief Justice.

6. *The matter has been expedited by the Apex Court vide order dated 14.07.2026 and a request was made to the High Court to decide the bail application preferably within two weeks.*

7. *Today learned counsel for the applicant submits that the matter is to be argued by a learned Senior Advocate who has been informed about the matter being listed today but since he has gone out of Court the matter be adjourned for a week.*

8. *The adjournment is being sought by the same party who had sought for expeditious hearing of this matter before the Apex Court. Prayer is allowed.*

9. *Let the matter be listed on 05.08.2026 as fresh."*

13. Subsequently the order dated 05.08.2026 was passed by this Court which has already been referred to above in paragraph 3 of this order.

14. This is the third bail application. The first bail application of the applicant was rejected by another Bench of this Court vide order dated 20.12.2021 passed in Criminal Misc. Bail Application No.8201 of 2021. The second bail application of the applicant was rejected by this Court vide order dated 01.08.2025 passed in Criminal Misc. Bail Application No. 28036 of 2024.

15. Learned counsel for the applicant raised a sole argument that there is an inordinate delay in trial. It is submitted that as per the charge-sheet there are 46 witnesses and as of now the testimony of P.W.-9 is being recorded before the trial court and thus trial would take time. It is further submitted that co-accused Aditya @ Vasu, Deepak @ Chintu, Ujjwal Sharma @ Golu @ Goldee, Vikas and Ashwani have been granted bail. While placing paragraph 17 of the affidavit it is submitted that the applicant is involved in 21 criminal cases, the explanation of the same have been given therein. Further while placing paragraph 5 & 6 of the supplementary affidavit dated 24.02.2026 it is submitted that one another first information report has been lodged against the applicant which is connected with the present matter and relates to offence under the Arms Act. It is submitted that thus the applicant is involved in 22 cases apart from the present matter which have been duly explained. It is submitted that the applicant is in jail since 20.10.2020.

16. *Per contra*, learned counsel for the first informant while vehemently opposing the prayer for bail submitted that as per the calendar filed by the prosecution giving details of the witnesses proposed to be produced and

examined by them in the trial the prosecution has given the names of only 10 witnesses from their side. It is submitted that as of now the testimony of 9th prosecution witness is being recorded by the trial court and thus the trial is at an advanced stage and only one witness remains to be examined. Further while placing the orders of the trial court which is annexed as Annexure-6 to the affidavit which is from 10.10.2024 to 20.12.2025 learned counsel has placed the order-sheets of various dates and submitted that there had been regular exemptions sought by co-accused in the matter which was allowed and the dates were adjourned. It is further submitted that even accused Ruby and Ashwani absented from the trial court from 07.11.2025 and then non-bailable warrant have been issued against them after which accused Vikas also absconded from 21.11.2025 against whom also non-bailable warrant has been issued. It is submitted that at the time of second bail application before this Court it was argued from the side of the first informant that as per the calendar submitted by the prosecution regarding the list of witnesses proposed to be examined by the trial court the trial is on the verge of completion but despite the said argument as noted in paragraph 7 of the order dated 01.08.2025 nothing has been brought on record in this third bail application to contradict the same. It is submitted that even the criminal history of the applicant as disclosed by him would go to show his involvement in as many as 22 cases apart from the present matter. It is submitted that the first bail and second bail applications of the applicant were dismissed on merits by detailed orders dated 20.12.2021 and 01.08.2025 respectively. It is submitted that there is no fresh & new ground in this bail application as even the ground of co-accused being granted bail has been considered in the second bail application of the applicant.

17. Learned counsel for the State also vehemently opposed the prayer for bail and submitted that the trial is going on in the matter diligently and the prosecution is producing its witnesses for recording of their testimonies. It is submitted that the order-sheet of the trial court would show that many co-accused have been seeking repeated adjournments before the trial court and even three co-accused had absconded and thus non-bailable warrant have been issued against them. It is submitted that in so far as the merits of the matter is concerned, the first bail and second bail applications of the applicant have been dismissed on merits. It is submitted that the trial is at an advanced stage and the prosecution shall ensure production of the remaining witnesses diligently without any delay before the trial court. It is submitted

that there is no fresh & new ground in this bail application and the same deserves to be dismissed.

18. After having heard learned counsel for the parties and perusing the record, it is evident that the first bail of the applicant was rejected by another Bench of this Court vide order dated 20.12.2021. Subsequently subsequent to nomination of the case to this Bench the second bail application was heard and rejected by this Bench vide order dated 01.08.2025, the said order reads as under:-

"1. List revised.

2. Heard Sri Nikhil Kumar and Sri A.C. Srivastava, learned counsels for the applicant, Sri Abhishek Tiwari, learned counsel for the first informant, Sri Birendra Pratap Singh, learned AGA for the State and perused the material on record.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant- Amit Tyagi, seeking enlargement on bail during trial in connection with Case Crime No.668 of 2020, under Sections 147, 148, 149, 302, 120-B, 34 IPC, registered at P.S. Modi Nagar, District Ghaziabad.

4. This is a second bail application. The first bail application of the applicant was rejected by Hon'ble Subhash Chandra Sharma, J. vide order dated 20.12.2021 passed in Criminal Misc. Bail Application No.8201 of 2021. The said order reads as under:-

"Heard learned counsel for the applicant, learned counsel for complain as well as learned A.G.A. for State and perused the record.

Facts in brief are that on 25.08.2020 an F.I.R. was lodged by informant Jitendra Kumar that on 24.8.2020 at about 7.20 a.m., his son Akshay Kumar was taken away from his house by Ashwani to bac

1. Although the instant Special Leave Petition is purportedly against an innocuous order dated 27.02.2026, whereby the third bail application of the petitioner was directed to be listed before an appropriate Bench, in sum and substance, the prayer sought is for expeditious disposal of the said bail application, which is pending

before the High Court. It may be true that the petitioner is involved in 21 cases, but the fact remains that he has already spent 5 years in custody.

2. In light of the principles laid down by this Court in a catena of judgments, it seems to us that High Court needs to decide the pending bail application in a time-bound manner. Consequently, we dispose of this Special Leave Petition with a request to the High Court to decide the pending bail application expeditiously and preferably within two weeks.

3. Pending application(s), if any, shall stand closed.

ued that the rejection of the first bail application was on the grounds that there is a C.C.T.V. footage

implicating the applicant and other accused persons in the matter, the bail application of co-accused has been rejected and further that the applicant has criminal history. It is further submitted while placing para 16 of the affidavit in support of bail application that there is no C.C.T.V. footage which has been filed before the trial court and further that no witness in his statement under Section 161 Cr.P.C. has stated about any C.C.T.V. footage. It is next argued that bail applications of co-accused Deepak @ Chintu, Smt. Aruna, Vikash, Aditya @ Vasu and Ujjwal Sharma @ Golu @ Goldee were rejected by this Hon'ble Court vide orders dated 1.7.2021, 24.8.2021, 6.10.2021, 11.10.2022 and 31.1.2023 in Criminal Misc. Bail Application Nos.6863 of 2021, 21316 of 2021, 13023 of 2021, 4205 of 2021 and 30959 of 2021 respectively. Subsequently this Hon'ble Court allowed the second bail applications of Aditya @ Vasu, Deepak @ Chintu, Ujjwal Sharma @ Golu @ Goldee, Vikash and Aswani vide orders dated 6.6.2023, 19.9.2023, 16.10.2023, 12.3.2024 and 9.5.2024 in Criminal Misc. Bail Application Nos.22463 of 2023, 54463 of 2021, 43906 of 2023, 16539 of 2023 and 47497 of 2023 respectively. It is next submitted that the applicant is reported to be involved in some criminal cases, details of which were initially given in para no.15 of the affidavit in support of bail application wherein there was a disclosure and explanation of 14 cases against him but the same was not full disclosure and explanation and thus in the rejoinder affidavit dated 20.4.2025 in para 4 of the same, there is a disclosure and explanation of 21 criminal cases against him. It is submitted that in some of the cases, there has been acquittal recorded in favour of the applicant whereas in other cases, the applicant is on bail. In one case, the proceedings were dropped by the S.D.M concerned since they were under Section 110 Cr.P.C. and it had lived its life. It is submitted that in the trial there are 46 witnesses in the charge sheet out of whom only 8 witnesses have been examined till date and thus the trial will take time. The applicant is in jail since 20.10.2020.

7. Per contra learned counsel for the first informant vehemently opposed the prayer for bail. Learned counsel for the first informant has submitted that the applicant is a hardened criminal and is involved in as many as 21 criminal cases apart from the present case which have been disclosed in para 3 of his counter affidavit dated 18.2.2025. Even there is a history-sheet opened against the applicant being History Sheet No.60-A at Police Station Murad Nagar, District Ghaziabad. It is further submitted that there are six cases against the applicant under Section 302 IPC and one case under Section 307 IPC and further three cases under the Gangsters Act. The same would go to show that he is a hardened criminal. It is submitted that the present case is also a case under Section 302 IPC and thus involvement of the applicant in this matter goes to show that there is repeated acts of the applicant and involvement in case of the same nature. It is further submitted that as per the calendar submitted by the prosecution regarding the list of witnesses proposed to be examined by the trial court, the trial is at the verge of completion inasmuch as there were two Investigating Officers apart from the witnesses of fact out of whom one Investigating Officer has been examined whereas the testimony of other Investigating Officer is being recorded and as such the trial is at an advance stage and nearing completion and release of the applicant at this stage may have an adverse effect on the trial. It is further submitted that although in para 21 of the counter affidavit, the contents of para 16 of the affidavit with regards to the C.C.T.V. footage and other pleading has been stated to be not correct but the fact remains that one C.C.T.V. footage has been collected by the Investigating Officer which has been made part of the case diary by him. It is submitted that the first bail of the applicant was rejected on merits by a detailed order by another Bench of this Court and there is no fresh and new ground in bail and as such the same be dismissed. Even otherwise there has been concealment of relevant and material fact by the applicant before the Court inasmuch as

initially he had disclosed only 15 criminal cases against him in para 15 of the affidavit in support of bail application but once in the counter affidavit there was disclosure of 21 criminal cases against him then the same were replied to and explained in the rejoinder affidavit. The said fact is a relevant and material concealment also before the Court.

8. Learned counsel for the State also opposed the prayer for bail vehemently and submitted that the arguments of learned counsel for the first informant are reiterated by him. It is further submitted that the first bail application of the applicant was rejected on merits by another Bench of this Court. The applicant is a hardened criminal and involved in 21 criminal cases and the nature of the cases go to show that they are serious cases. It is further submitted that a C.C.T.V. footage has been collected and made part of the investigation. The same has been made part of the case diary and investigation through Case Diary No.35 dated 12.10.2020 in which at serial no.6 with regards to the major task performed, the Investigating Officer states that the informant Jitendra Kumar and witness Shubham identified the accused from the C.C.T.V. footage, the said C.C.T.V. footage was then taken and sealed and made part of the said case diary. It is submitted that as such the averment in para no.16 of the affidavit in support of bail application, that there is no C.C.T.V. footage is incorrect. The bail application be thus rejected.

9. After hearing the counsel for the parties and perusing the record, it is evident that this is a second bail application. The first bail application of the applicant was rejected by another Bench of this Court on merits. The applicant is a hardened criminal having 21 criminal cases against him which are of serious nature. Even a history-sheet has been opened against him at the concerned police station. Initially in the bail application, there was disclosure of only 14 criminal cases stated to be cases of his involvement but after the disclosure of the said 21 criminal cases in the counter affidavit, explanation was then tendered in the rejoinder affidavit. Thus there had been concealment of criminal history by the applicant. The nature of cases of involvement of the applicant go to show that they are cases of serious nature. The trial is at an advance stage. There is no fresh and new ground made out for bail.

10. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is rejected."

19. This third bail application has been filed before this Court and even the hearing of the same has been expedited by the Apex Court. The ground as pleaded is regarding the delay of trial. The fact again as reiterated by learned counsel for the first informant is that as per the calendar submitted by the prosecution regarding the number of witnesses the prosecution intends to produce 10 witnesses in all in the trial from their side. It is not disputed that the testimony of the 9th prosecution witness is being recorded by the trial court. Thus only one witness remains to be examined. In so far as the factum of grant of bail to co-accused is concerned, the same is not a new & fresh ground in this third bail application. The same has been considered by this Court in the second bail application of the applicant itself as would be apparent from the reading of paragraph 6 of the order therein. The applicant

is having criminal history of a total of 23 cases including the present matter out of the same there are six cases under Section 302 I.P.C., one case under Section 307 I.P.C., three cases under the Gangsters Act and a History Sheet No.60-A, Police Station Murad Nagar, District Ghaziabad has also been opened against him. Thus the present case is also under Section 302 I.P.C. The said facts thus show that there has been repetition and indulgence of the applicant in cases under Section 302 I.P.C. which entail the maximum punishment under law. He is also involved in cases in other sections also. The trial as per the statement of learned counsel for the first informant at this stage and even at the previous stage on consideration of second bail application would go to show is at a fag end. There is no new & fresh ground in this third bail application.

20. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is **rejected**.

21. Further at this stage the prosecution is directed to ensure production of its witnesses(s) before the trial court diligently and the trial court is also expected not to adjourn the trial unnecessarily and grant unnecessary adjournments in the matter.

22. The Registrar (Compliance) is directed to communicate this order to the concerned court forthwith.

23. Pending application (s), if any, shall stand disposed of.

August 12, 2026
AS Rathore

(Samit Gopal,J.)