



2026:AHC:6233

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27955 of 2025

Harun

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sunil Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Sunil Kumar Tiwari, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 376 of 2024, under Sections 103(1), 352 BNS, Police Station Kairana, District Shamli, 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 first bail application of the applicant has been dismissed vide order dated 14.2.2025 after considering the fact that as per allegation, applicant caught hold the deceased and thereafter co-accused Imran inflicted scissor injury to him but he is pressing the instant second bail application on the ground that only role of catching hold has been assigned to the applicant and he is in jail for last almost one and half years and till date trial could not be concluded.
5. He further submitted that apart from the present case applicant is having no criminal history.
6. Per contra, learned AGA opposed the prayer for bail and submitted that this is second bail application filed on behalf of the applicant and his first bail application has been dismissed after considering the fact that as per allegation when applicant caught hold the deceased thereafter co-accused Imran inflicted scissor injury to him but he could not dispute the fact that in

the present matter applicant is in jail for last almost one and half years and applicant is having no previous criminal history.

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

8. This is second bail application filed on behalf of the applicant and his first bail application has been dismissed after considering the fact that as per allegation when applicant caught hold the deceased then thereafter co-accused Imran inflicted scissor injury to him but it reflects in the present matter, applicant is in jail for last almost one and half years.

9. Further, from the report of the court concerned it reflects that till the report dated 26.9.2025 only one prosecution witness could be examined and in spite of repeated summons PW 2 is not appearing before the trial court and NBW was issued against him, therefore, it appears without any delay caused by applicant trial of the case is being lingered only due to reluctance of the prosecution witnesses.

10. Further, admittedly applicant did not cause any injury to the deceased and apart from the present case, he is not having any previous criminal history.

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

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

13. Let the applicant-**Harun**, 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.

14. 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.

15. 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.

January 9, 2026
Ankita

(Sameer Jain,J.)