



2026:ABC:2265

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44141 of 2025

Rajendra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rakesh Kumar Gupta
Counsel for Opposite Party(s)	:	G.A., Jai Singh Yadav

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Rakesh Kumar Gupta, learned counsel for the applicant and Sri Brij Raj Singh, Advocate holding brief of Sri Jai Singh Yadav, learned counsel for the informant as well as Ms. Ifrah Islam, learned State Law Officer and perused the record.
3. This is the fifth bail application filed on behalf of the applicant seeking bail in **Case Crime No. 0234 of 2017, under Sections 147, 148, 149, 302, 307, 504, 34 of IPC, Police Station- Khekra, District - Baghpat**, during the pendency of trial.
4. The first, second, third and fourth bail applications of the applicant were rejected by this Court vide orders dated 1.6.2022, 31.7.2024, 24.3.2025 & 31.7.2025 passed in Criminal Misc. Bail Application Nos. 15638 of 2019, 25653 of 2023, 3654 of 2025 and 31.7.2025, respectively.
5. Learned counsel for the applicant has stated that the case of the applicant is at par with the co-accused persons and five co-accused persons have been exonerated by police, as such, the applicant is entitled for bail.
6. Learned counsel has further stated that the applicant is languishing in jail since 10.07.2017, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
7. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that there is no new ground for granting bail to the applicant. The case is fixed for final argument and it is being adjourned regularly at the behest of counsel for the applicant. Counsels are not cooperating in trial. Even transfer application has been filed by the co-accused persons which led to delay. The delay cannot be attributed to the prosecution even the transfer application has been rejected by the court concerned.

8. Learned counsel for the applicant has placed much reliance upon the judgement of Supreme Court passed in ***Sunil Kumar Sinha Vs. State of Bihar through S.P. CBI, (1998) 5 SCC 607***, whereby appellant therein was granted bail on the ground of period of incarceration being one year ten months.

9. In rebuttal, learned counsel for the informant has stated that the said order pertains to Bihar Fodder Scam and cannot apply to the case of the applicant herein.

10. The Supreme Court in case of ***X vs. State of Rajasthan & Anr.*** reported in ***2024 INSC 909***, has held that once the trial has commenced, it should be allowed to reach to its final conclusion, which may either result in conviction or acquittal of the accused. The bail should not be normally granted to the accused after the charge has been framed. It should also not be granted by looking into the discrepancies here or there in the deposition.

11. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties, the aforesaid judgements of Supreme Court and taking into consideration the fact that there is no new ground to grant bail to the applicant, I do not find it a fit case to release the applicant on bail.

12. Accordingly, the fifth bail application is **rejected**.

13. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India (2017) 5 SCC 702***, if there is no legal impediment.

14. 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 5, 2026
Siddhant

(Krishan Pahal,J.)