



2026:AHC:935

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 44262 of 2025

Jagveer Singh Alias Jagoo Fauji

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Saurabh Pandey, Suresh Chandra Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. IInd Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Saurabh Pandey, learned counsel for the applicant and Sri V.K.S. Parmar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 07 of 2019, under Sections 302, 120B of IPC, Police Station - Raya, District - Mathura**, during the pendency of trial.
4. It is admitted that the applicant was earlier granted bail, but a non-bailable warrant was later issued against him. The said order was challenged before the Court, however, the applicant could not appear due to a clash of dates in two different cases pending in two different districts.
5. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The criminal history of 29 cases assigned to the applicant has been explained in the affidavit. The applicant is languishing in jail since 20.04.2024. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
6. Per contra, learned AGA has vehemently opposed the bail application

but unable to dispute the submissions raised by the learned counsel for the applicant.

7. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

8. The well-known principle of "Presumption of Innocence Unless Proven Guilty," gives rise to the concept of bail as a rule and imprisonment as an exception. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation and another, 2022 (10) SCC 51**. Learned AGA/ State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

9. It is a settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA / State Law Officer.

10. The said viewpoint was shared in **Nagendra Nath Chakrabarthi v. King-Emperor AIR 1924 Cal 476; Emperor v. Hutchinson AIR 1931 All 356; K. N. Joglekar v. Emperor AIR 1931 All 504; Sanjay Chandra v. Central Bureau of Investigation AIR 2012 SC 830; Inhuman Conditions in 1382 Prisons, In re. (2017) 10 SCC 658; State Of Rajasthan Vs. Balchand AIR 1977 SC 2447; and Ashim vs. National Investigation Agency (2022) 1 SCC 695**.

11. Reiterating the aforesaid view, the Supreme Court in the case of

Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

12. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties and also considering the fact that the applicant was granted bail earlier on, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

13. Let the applicant- **Jagveer Singh Alias Jagoo Fauji**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

14. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

15. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 5, 2026
Siddhant