



2026:AHC:14413

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 43397 of 2025

Pawan Bhati

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	: Vinay Kumar Singh Chandel
Counsel for Opposite Party(s)	: Ashish Tyagi, G.A., Kapil Tyagi

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Mangla Prasad, learned Senior Counsel assisted by Sri Kunwar Vikram Suryavanshi, learned counsel for the applicant, Sri Ashish Tyagi, learned counsel for the informant, Sri Abhishek Mishra, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.288 of 2024, under Sections 147, 148, 149, 324, 302, 307, 341, 120-B and 34 I.P.C., Police Station Loni Border, District Ghaziabad with the prayer to enlarge him on bail.

PROSECUTION STORY:

4. The father of the informant is stated to have been assaulted by the applicant (who was facing externment from district) alongwith Charan Singh, Vimla, Chancha and Kavita, by sharp-edged weapons and the police had admitted him in government hospital.

5. Again, on 11.05.2024, at about 9:00 p.m., when the informant along with his father were coming from Prem Nagar Colony to their house, the applicant along with other named accused persons surrounded them, whereby an iron rod was thrown at the informant, who somehow escaped, although his head got injured in it, but the accused persons were successful in catching hold of the father of the informant and assaulted him with sharp-edged weapons, a pistol, and a country-made pistol, and put him to death.

6. The informant immediately called the ACP. The police reached there immediately and took the informant and his father at GTB Hospital, Delhi, where the doctors declared his father dead and medically examined the informant.

7. The informant thereupon reached the police station and got the FIR instituted on 12.05.2024 at 1:34 a.m.

ARGUMENTS ON BEHALF OF APPLICANT:

8. The FIR is delayed by more than four hours and there is no explanation of the said delay caused.

9. The case of the applicant is at par with the co-accused persons who have been enlarged on bail by Co-ordinate Benches of this Court, which are as follows:-

SI. No.	C.M.B.A. No.	Applicant's name	Vide order dated	Hon'ble Mr. Justice(s)	Status
1	37275 of 2024	Sonu Baghel @Sunil	05.11.2024	Ajay Bhanot, J.	Granted
2	41052 of 2024	Gaurav	18.11.2024	Ajay Bhanot, J.	Granted
3	43659 of 2024	Pooja	12.12.2024	Ajay Bhanot, J.	Granted
4	46525 of 2024	Ankur @ Kaley	19.12.2024	Ajay Bhanot, J.	Granted
5	954 of 2025	Kuldeep	21.01.2025	Ajay Bhanot, J.	Granted
6	3075 of 2025	Kavita	31.01.2025	Ajay Bhanot, J.	Granted
7	7266 of 2025	Gagan	03.03.2025	Sameer Jain, J.	Granted
8	SLP-7325 of	Vimla	04.07.2025	Supreme Court	Granted

	2025				
9	19539 of 2025	Tinku @ Hemant	23.06.2025	Dr. Gautam Chowdhary, J.	Granted
10	20353 of 2025	Prashant @Muttu	26.06.2025	Dr. Gautam Chowdhary, J.	Granted
11	22898 of 2025	Charan Singh Bhati	24.07.2025	Ashutosh Srivastava, J.	Granted
12	3398 of 2025	Rahul Bhati	06.08.2025	Ashutosh Srivastava, J.	Granted
13	42577 of 2024	Rahul @Ram Babu	08.08.2025	Ashutosh Srivastava, J.	Granted
14	3286 of 2025	Vimal	08.10.2025	Krishan Pahal, J.	Granted

10. As such, since the role of the applicant is identical to that of co-accused, who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.

11. The applicant is in jail since 18.05.2024 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

12. The applicant carried motive to commit the said offence, as such, is the main accused person.

13. The applicant was facing six month's externment under U.P. Goondas Act and was staying in Delhi, but he did not follow the order of externment, rather committed the instant offence and the offence dated 05.05.2024 with the father of the informant and the informant himself.

14. The bail application of the wife of the applicant Smt. Chanchal has been dismissed by the Co-ordinate Bench of this Court vide order dated 13.8.2024 passed in Criminal Misc. Bail Application No.27926 of 2024. The bail application of another co-accused Rohit Bhati has been dismissed by the same Court vide order dated 21.11.2024.

15. The applicant has a long criminal history. He is a repeated offender, as such is not entitled for bail.

CONCLUSION:

16. After hearing learned counsel for the parties and taking into consideration that the applicant carried motive and is one of the main accused persons coupled with the fact that the case of the applicant is not at par with the co-accused persons who have been granted bail and also taking into consideration that the applicant has criminal history, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, *rejected*.

17. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments 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.

18. 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.

(Krishan Pahal,J.)

January 20, 2026
(Ravi Kant)