



2026:AHC:10892

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 20635 of 2024

Amit

.....Applicant(s)

Versus

State Of U.P Through Its Principal Secretary (Home)

.....Opposite
Party(s)

Counsel for Applicant(s)	: Akhilesh Kumar
Counsel for Opposite Party(s)	: G.A., Himanshu Shukla, Shiksha Shukla

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sikander Raza, Advocate holding brief of Sri Akhilesh Kumar, learned counsel for the applicant and Sri Himanshu Shukla, learned counsel for the informant as well as Sri Jai Kishan Chaurasia, learned State Law Officer and perused the record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 360 of 2023, under Sections 302, 120B of IPC, Police Station- Sarsawa, District - Saharanpur**, during the pendency of trial.
4. Learned counsel for the applicant has submitted 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 FIR is delayed by about two days and there is no explanation of the said delay caused.
5. Learned counsel has also stated that the applicant and other family members are stated to have closed the door, as such, the dead body was taken by the informant to the hospital whereby the deceased was declared brought dead and the inquest proceedings were taken at the hospital only.
6. Learned counsel has also contended that the trial is proceeding at a snail's pace, as only P.W.-1 has been examined till date, and there is no likelihood of the trial concluding in the near future. The fundamental rights enshrined under Article 21 of the Constitution of India stand violated.
7. Learned counsel has further contended that the applicant is languishing in

jail since 30.12.2023, 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.

8. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that the cause of death of deceased is asphyxia as a result of antemortem strangulation. The deceased has expired within the precincts of the house of the applicant, as such, the applicant is not entitled for bail.

9. This Court had called for a report regarding the status of the trial, and in compliance thereof, a report was submitted by the concerned Trial Court on 18.11.2025. As per the said report, the statement of P.W.-1, Bhopal Singh, has been recorded by the Trial Court. On one occasion, an adjournment was sought on behalf of the accused on the ground that learned counsel was busy with personal work. On another occasion, the witness arrived late in court. On three occasions, the Presiding Officer was on leave. On three occasions, neither the accused nor his counsel appeared before the court. Further, on five occasions, counsel for the accused remained absent, leaving the court with no option but to close the opportunity of cross-examination of the accused. Subsequently, learned counsel for the accused moved an application under Section 311 Cr.P.C., which was allowed on 12.11.2025, and pursuant thereto, the cross-examination of the said witness is presently underway.

10. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and also considering the fact that the cause of death of deceased is asphyxia as a result of antemortem strangulation and also taking into consideration the conduct of the counsel for the accused before the trial court, I do not find it a fit case to release the applicant on bail.

11. The bail application is, accordingly, **rejected**.

12. 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.

13. 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 16, 2026
Siddhant

(Krishan Pahal,J.)