



2026:AHC:10443

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31226 of 2024

Arun @ Deepak

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Deepak Kumar Pandey, Girraj Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Deepak Kumar Pandey, learned counsel for applicant, Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Sunil Kumar, learned Additional Government Advocate for the State and perused the material placed on record.
3. This is the third bail application filed on behalf of the applicant. The first one was rejected by this Court vide order dated 17.8.2021 passed in Criminal Misc. Bail Application No. 28088 of 2020. The second one was rejected by this Court vide order dated 3.5.2023 passed in Criminal Misc. Bail Application No. 44891 of 2022.
4. The present bail application has been filed by the applicant in Case Crime No. 367 of 2019, under Sections 364-A, 302, 201 IPC, Police Station Achhnera, District Agra, with the prayer to enlarge him on bail.
5. Learned counsel for the applicant has stated that as a new ground, it is the period of incarceration on which the applicant is entitled for bail as he is in jail since 14.11.2029 and six years and one month have passed since his incarceration. The period of incarceration itself indicates that the applicant is entitled for bail, as his fundamental rights enshrined under Article 21 of the Constitution of India stands violated. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the trial is going on and four witnesses have already been examined and the applicant is not cooperating in trial, as such, the applicant is not entitled for bail.

7. In rebuttal, learned counsel for the applicant has stated that the co-accused Shalini Bhadoriya had absconded, as such, the case could not proceed any further. The trial of the applicant has been separated by the trial court, as such, now the trial is going on.

8. This Court had called for the status of trial. As per the status report dated 28.11.2025, PW-1 Hariram Sharma was first examined on 9.5.2022, thereafter in between for certain periods due to non availability of case property and for absence of one or other accused persons the evidence was not recorded. On dates 19.10.2024 and 11.3.2025 the evidence of PW-1 was not recorded as adjournment was sought by learned counsel of accused Arun.

9. After hearing learned counsel for the parties and taking into consideration the status of trial, as four witnesses have already been examined, and the applicant is not co-operating in trial, 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**.

10. 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.

11. 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 16, 2026

Shalini