



2026:AHC:16480

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2223 of 2026

Kunwarpal Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Devesh Kumar Sharma, Sr. Advocate
Counsel for Opposite Party(s)	: G.A., Vivek Shukla

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Amit Daga, learned Senior Counsel assisted by Sri Devesh Kumar Sharma, learned counsel for the applicant and Sri Vivek Shukla, learned counsel for the informant as well as Sri Rajendra Prasad Singh, learned State Law Officer and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 118** of 2025, **under Sections 103(1), 352, 351(2), 3(5) of BNS and Sections 5/25/27 of Arms Act, Police Station - Chhata, District - Mathura**, during the pendency of trial.

PROSECUTION STORY:

4. The applicant along with two other co-accused persons, namely, Sher Singh and Ishwar, had committed murder of informant's uncle Bharat Singh @ Pappu on 8.3.2025 at about 10:30 AM.

ARGUMENTS ON BEHALF OF APPLICANT:

5. 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.
6. The FIR is delayed by about eight hours and there is no explanation of the said delay caused.
7. The instant FIR stands controverted from the fact that the informant Bhagat Singh had himself informed the Delta Control Room from mobile no. 8006053313 that one person had been put to death in the village, which was

recorded at G.D. No. 12 dated 08.03.2025 at 12:00 hours.

8. Pursuant thereto, inquest proceedings were conducted and completed by 02:10 PM the same day. The informant was Panch Witness No. 1 and Shiv Charan was Panch Witness No. 2, yet neither of them made any allegation against the applicant at that stage. The subsequent implication of the applicant is thus a clear afterthought.

9. The criminal history of one case assigned to the applicant stands explained in the affidavit.

10. The applicant is languishing in jail since 8.3.2025.

11. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

ARGUMENTS ON BEHALF OF INFORMANT AS WELL AS STATE:

12. The bail application has been vehemently opposed by the opposite parties.

CONCLUSION:

13. 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.

14. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, delay in lodging the FIR and also considering the fact that the informant and Shiv Charan, who were the Panch Witness Nos. 1 & 2 have not made any allegation against the applicant at the stage of inquest proceedings, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

15. Let the applicant- **Kunwarpal Singh**, 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.

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

17. 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.

January 22, 2026
Siddhant

(Krishan Pahal,J.)