



2026:AHC:14447

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44119 of 2025

Gulam Nabi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Amber Khanna, Raj Kumar Khanna,
Sandal Khanna

Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Raj Kumar Khanna, learned Senior Counsel assisted by Sri Ajay Kumar Singh, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.306 of 2024, under Sections 103(1), 61(2)(a) BNS, Police Station Nakhasa, District Sambhal, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Waris has already been enlarged on bail by this Court vide order dated 9.1.2026 passed in Criminal Misc. Bail Application No.45140 of 2025, as such, since the role of the applicant is identical to that of co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. The criminal history assigned to the applicant stands explained. He is languishing in jail since 19.2.2025. In case, the applicant is released on bail, he will not misuse the liberty of bail.
5. The prayer for bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by him.
6. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases

against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

7. Considering the facts and circumstances of the case and in light of the judgement passed by this Court in *Nanha S/o Nabhan Kha vs. State of U.P., 1993 Crl.L.J. 938* and the judgements passed by the Supreme Court in *Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021* and in *Satender Kumar Antil vs. Central Bureau of Investigation and Another, (2022) 10 SCC 51*, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed** on the ground of parity.

8. Let the applicant- **Gulam Nabi**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

10. 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 20, 2026
(Ravi Kant)