



2026:AHC:56442

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7089 of 2026

Kanta Saini And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hemendra Kumar, Rajesh Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant, Sri P.K.Rai, learned AGA for the State-respondents and perused the record.
3. This bail application has been moved on behalf of accused-applicants **Kanta Saini, Bahadur and Sandeep alias Chomu** seeking enlargement on bail in Case Crime No.0008 of 2026, under Sections 109(1), 115(2), 352, 351(3), 191(2) and 191(3) B.N.S., P.S. Nehtaur, District Bijnor.
4. Tersely, as per allegations contained in the F.I.R., Kanta Saini, Bahadur, the named accused applicants and 5-6 unknown persons have caused firearm injury to the injured namely Viresh Pal, Vinod Kumar and Anil Kumar by hard and blunt object and sharp edged weapon.
5. Learned counsel for the applicants submits that the accused-applicants have not committed any offence as alleged in the FIR and have been falsely implicated in this case. Applicants no.1 and 2 Kanta Saini and Bahadur are named whereas applicant no.3 Sandeep alias Chomu is not named in the F.I.R. His name came into light during the course of investigation in the statements of prosecution witnesses at the very belated stage. No specific and distinct role has been assigned to the applicants either in the F.I.R. or in the statements of the injured persons regarding causing specific injury to the injured persons. The injured Viresh Pal, Vinod Kumar and Anil Kumar assigned general role to all the accused persons regarding causing injuries by hard and blunt object and sharp edged weapon. Admittedly, three incised wounds are noted in the medical report of the injured Viresh Pal and other injuries are lacerated wounds but who has caused incised wounds is not clear on the basis of available on record. Injuries of other injured Vinod Kumar

and Anil Kumar are simple in nature. It is further argued that applicant no.1 Kanta Saini has criminal history of seven cases which have been explained in paras-3, 4, 5 and 6 of the second supplementary affidavit and in paras, 2, 3 and 4 of the first supplementary affidavit. The applicant no.2 has criminal history of two cases which have been explained in paras 5 and 6 of the first supplementary affidavit. The applicants are in jail since 07.01.2026. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned A.G.A. has opposed the prayer for bail of the applicants by contending that the innocence of the applicants cannot be adjudged at pre trial stage, therefore, they do not deserve any indulgence. In case the applicants are released on bail, they will again indulge in similar activities and will misuse the liberty of bail.

7. Having considered the submissions of the parties noted above as also the fact that though applicants no.1 and 2 Kanta Saini and Bahadur are named in the F.I.R. but applicant no.3 Sandeep alias Chomu is not named, no specific and separate role has been assigned to the applicants either in the F.I.R. or in the statements of three injured persons regarding causing injury by hard and blunt object and sharp edged weapon, general allegations have been made against all the accused persons, most of injuries of the injured persons are simple in nature, who has caused sharp edged injury is not clear and keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of **Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677**, dictum of Apex Court in **Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** and without expressing any opinion on the merits of the case, let the applicants involved in the aforesaid crime be released on bail on their furnishing personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicants shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court.
- (iii) The applicants shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) The applicants shall remain present in person before the Trial Court on

the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances appearing in the evidence against them.

(v) In case the applicants misuse the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against them strictly in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

9. Identity and residence proof of the applicants and sureties be verified by the court concerned before the bonds are accepted.

March 19, 2026

Asha

(Santosh Rai,J.)