



2026:AHC:4904

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44924 of 2025

Sher Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anjani Kumar, Gaurav Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Gaurav Tiwari, learned counsel for the applicant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.321 of 2025, under Sections 103(1) B.N.S. and 4/25 Arms Act, Police Station- Sector-63 Noida, District- Gautam Budh Nagar, during the pendency of trial.
4. As per prosecution story, the informant was told by his nephew Satish on phone that the applicant had stabbed his son Sumit on 17.7.2025 at about 08:30 p.m. and the injured person was rushed to District Hospital, Gautam Budh Nagar, whereby he was declared dead.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The allegations are *per se* false. It is true that informant is not an eye-witness. Furthermore, the nephew of the informant, who informed him on phone, Satish is also not an eye-witness, whereby it is stated that he was told by one Harish about the incident and the said witness has assigned the role of stabbing the deceased person to the applicant.
6. Learned counsel for the applicant has further stated that the applicant is

stated to have self-inflicted certain injuries on his body. There are five injuries sustained by the applicant of which three are on his chest, which is a vital part of the body. Learned counsel has stated that it is not possible for any person to self-inflict injuries on his chest. The other two injuries are on upper limbs, as such, the injuries sustained by the applicant have not been properly explained by the prosecution.

7. It is further argued by learned counsel for the applicant that the applicant himself was hospitalized in District Combined Hospital, Noida and was referred to Safdarjung Medical College, Delhi, as such, he is entitled for bail. There is no criminal antecedent of the applicant. The applicant is languishing in jail since 30.7.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned State Law Officer has vehemently opposed the bail application.

9. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

10. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51***.

11. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595***, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

12. Learned A.G.A./State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

13. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that applicant himself sustained five stab wounds on his body, which have not been properly explained by the prosecution, and without expressing any opinion on the merits of the case, *prima faice*, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

14. Let the applicant- **Sher 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

16. 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 8, 2026
Vikas Verma