



2026:AHC:17290

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2573 of 2026

Hemendra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bhuvnesh Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Bhuvnesh Kumar Singh, learned counsel for the applicant, Sri Avesh Mishra, learned counsel for the informant as well as 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.240 of 2025, under Sections 103(1), 74, 123, 351(3) B.N.S., Police Station- Haldaur, District- Bijnor, during the pendency of trial.
4. As per prosecution story, the son of the applicant is stated to have outraged the modesty of the victim, as such, the victim had levelled certain allegations against him. Peeved by it, the applicant and his son are stated to have threatened them to teach the victim a lesson. As such, on the fateful day of 13.10.2025 at 02:30 p.m., they forced the victim into a sugarcane field and tore off her clothes, thereby outraging her modesty, and subsequently, administered her some poisonous material. The victim was rushed to hospital at Haldaur and from there she was taken to Medical College, Meerut. As such, the FIR was instituted.
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 FIR is delayed by about one day and there is no explanation of the said delay caused. It is a clear cut case of

false implication as the dying declaration of the victim does not nominate the applicant or any other person either.

6. Learned counsel for the applicant has further stated that the victim in her dying declaration has categorically stated that she was administered some poisonous material by two unknown persons. Had the applicant done so, his name would have come up in the dying declaration itself. The information sent to the police by one Pranshu is also on record, whereby the said information also mentions two unknown persons only, which implies that it is a clear cut case of false implication as an afterthought.

7. It is further argued by learned counsel for the applicant that the criminal history assigned to the applicant has been explained. The applicant is languishing in jail since 16.10.2025 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 counsel for the informant and learned State Law Officer have vehemently opposed the bail application.

9. 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 of bail is made out.

10. 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.

11. 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***.

12. 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*".

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

14. 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 FIR is delayed by about one day and there is no person named in the dying declaration of the deceased person, 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***.

15. Let the applicant- **Hemendra 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.

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.

(Krishan Pahal,J.)

January 27, 2026

Vikas Verma