



2026:000:112554

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8560 of 2026

Wasim

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Alok Kumar Singh, Chandra Kumar Rai, Rakesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Chandra Kumar Rai, learned counsel for the applicant, Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 515 of 2013, under Sections 364, 394, 302, 201, 411 IPC, Police Station- Masuri, District Ghaziabad, during the pendency of the trial.
3. This matter was heard on 06.05.2026. On that date, learned counsel for the applicant has submitted that applicant was not named in the FIR. Subsequently, his name has surfaced in the confessional statement of the co-accused, though, there is no recovery of any weapon on pointing out of the applicant. It is further submitted that applicant was granted bail in Criminal Misc. Bail Application No. 3905 of 2013 vide order dated 20.12.2013. Thereafter, applicant had also participated in trial till 13.06.2025 but subsequently, applicant could not appear before the trial court for the reasons that the applicant is wanted in other cases and was also suffering from paralysis.
4. Considering the above submission, this court vide order dated 06.05.2026 directed the District Judge, Ghaziabad to submit his report why not a single witness has been examined, though charges were framed on 31.03.2014. In compliance of the order dated 06.05.2026, District Judge, Ghaziabad has submitted his report dated 13.05.2026 mentioning therein that main reason for delay in trial is absence of missing report from the record and despite repeated

requests by the trial court, police has not provided the same and also for the reason that the co-accused have been absconding. It was further mentioned in the aforesaid report that the applicant was absconding since 04.07.2023 till he was arrested on 30.10.2025.

5. Learned counsel for the applicant has submitted that the applicant has explained the criminal history of eight cases in the accompanying affidavit. It is further submitted that though more than 12 years have passed, but still not a single witness could be examined, therefore, right to speedy trial has been infringed. In such circumstances, applicant is entitled to be released on bail in view of the judgement of the Apex Court in the cases of **Hussainara Khatoon And Others (IV) Vs. Home Secretary, State of Bihar, Patna** reported in **(1980) 1 SCC 98** and **Sahil Manoj Machare Vs. State of Maharashtra in SLP (Crl.) No.7502 of 2026**.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Wasim**, involved in the aforementioned 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, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely

without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

v. Considering the criminal history of the applicant, this Court further directs that applicant will mark his presence before the police station-Masuri, district-Ghaziabad on 25th of every month, till conclusion of trial and he will also appear before the trial court on each and every date except for exceptional reasons.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

13. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

14. Office is directed to send a copy of this order to the applicant through **Ghaziabad Jail Superintendent** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

May 14, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)