



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 161 of 2025

Smt. Sabiya

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Faizul Hasan, Mahboob Ahmad
Siddiqui

Counsel for Opposite Party(s) : G.A., Mohammad Farooque Ansari

Court No. - 65

(Sr. No.76 out of 243)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Neither the counsel for the applicant nor the counsel for opposite party no.2 is present. Learned AGA is present. Under the circumstances, I myself have perused the record.

2. The present bail cancellation application has been filed to set-aside the bail order dated 26.11.2024 granted to opposite party no.2 with regard to Case Crime No.228 of 2024, under Sections 137(2), 64(1) BNS and 3/4 POCSO Act, Police Station- Nagphani, District- Moradabad in Criminal Misc. Bail Application No.43295 of 2024.

3. The instant bail cancellation application was filed on 23.04.2025 and none was present on behalf of the applicant to press it on 18.3.2026, 10.3.2026 and so is the case today.

4. It is observed by this Court that advocates are not appearing in majority of listed cases that too on multiple dates. Non-appearance of the counsel for the applicant amounts to professional misconduct. It also tantamount to *bench hunting or forum shopping*.

5. Mere pendency of the bail cancellation application cannot accrue any right in favour of the applicant. It cannot be allowed to swing years together in the cloak of pendency. The applicant cannot be permitted to dilute the stream of justice by repeatedly remaining absent from judicial proceedings without any reasonable explanation. Absence of any reason for non-appearance is

blatant abuse of process of law, even though the order is available on the website of the High Court.

6. The resources of the Court which includes precious judicial time are scarce and already stretched beyond elastic limits. Valuable Court time, which is required to be engaged in adjudication of serious judicial action, is wasted on frivolous and vexatious litigation which is misconceived and is an abuse of the process of law. A judicial system has less than sufficient resources to afford justice without unreasonable delay to those having genuine grievances. Therefore, increasingly, the Courts have held that totally unjustified use of judicial time must be curbed and the party so wasting precious judicial resources, must be required to compensate not only the adversary but also the judicial system itself.

7. It appears that the applicant has lost interest in pursuing the matter. Therefore, by the efflux of time, it seems to have been rendered infructuous. The bail once granted cannot be cancelled at the drop of pen, there must be clinching evidence of its misuse or some other concealment of fact.

8. There are several instances where a person granted bail may have the bail cancelled. They are:

- (i) Where the person during the period of bail, commits the very same offence for which he is being tried or has been convicted, and thereby proves utterly unfit, to be on bail.
- (ii) If he hampers the investigation;
- (iii) If he tampers with the evidence, as by intimidating the prosecution witnesses, interfering with the scene of offence to remove traces or proofs of the crime, etc.;
- (iv) If he runs away to a foreign country, or goes underground, or beyond the control of his sureties;
- (v) If he commits acts of violence, in revenge, against the police and the prosecution witnesses and those who have booked him or are trying to book him;
- (vi) The earlier order was illegal and perverse therefore must be set aside; and
- (vii) The said order was taken by suppressing relevant facts.

9. The instant case does not fall under any of the aforesaid categories.

10. In view of the aforesaid facts and circumstances, this Court declines to entertain this bail cancellation application. The application is, accordingly, ***rejected.***

(Krishan Pahal,J.)

May 12, 2026
Vikas Verma