



2026:AHC:55372

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27039 of 2025

Sonu Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shanti Dhar Dwivedi

Counsel for Opposite Party(s) : G.A., Krishna Kant Dubey, Santosh Kumar Dubey

Court No. - 66

(Sl. No.57 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Shanti Dhar Dwivedi, learned counsel for applicant, Sri Kunal Singh, learned Advocate holding brief for Sri Santosh Kumar Dubey, learned counsel for the informant as well as Sri R.P. Patel, learned State Law Officer and perused the material placed on record.

3. The present bail application has been filed by the applicant in Case Crime No. 99 of 2025, under Sections 103(1), 238, 140(1), 3(5) BNS, Police Station Garhmukteshwar, District Hapur, with the prayer to enlarge him on bail.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He is not named in the FIR. His name has come up in the statement of three witnesses namely, Manoj Saini, Yashpal and Rajaram, whose statements have been recorded the next day of the institution of FIR on 23.2.2025 belatedly. The dead body was recovered from the house of one Nisha Rastogi, as such, the applicant is entitled for bail.

5. Learned counsel for the applicant has stated that the applicant did carry any motive, whatsoever. The applicant is in jail since 24.2.2025 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that the said application categorically indicates that the house of the applicant and that of Nisha Rastogi are immediately adjacent to each other, as they have a wall between the houses and the dead body was recovered from the first floor of the house of Nisha Rastogi and the applicant also resides on the first floor of the adjacent house. The applicant and the other co-accused persons were seen by the three witnesses in the night of the incident, as such, it is an open and shut case. There is no reason assigned for false implication. The statement of two witnesses have been recorded already in Court. The trial is moving on, as such, the applicant is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that the applicant and the co-accused persons were seen by the three eye-witnesses, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, **rejected**.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of *Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220* and *Hussain and Another vs. Union of India; (2017) 5 SCC 702*, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

March 18, 2026

Shalini