



2026:AHC:199654

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33834 of 2026

Shiva Tyagi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajeev Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Rajeev Upadhyay, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. This is a second bail application filed on behalf of the applicant with a prayer to release the applicant on bail in Case Crime No. 55 of 2026, under Section 103(1) B.N.S. and Section 3/25/27 Arms Act, Police Station Hastinapur, District Meerut, during the pendency of the trial. The first bail application of the applicant being Criminal Misc. Bail Application No. 15252 of 2026 was rejected on 06.05.2026.
3. Contention of learned counsel for the applicant is that the first informant as well as two witnesses, namely, Naveen and Subhash, have also been declared hostile before the trial court. Therefore, the applicant is entitled to be released on bail. It is further submitted that the applicant has no criminal history. It is further submitted that the charge-sheet has been filed in the present case; therefore, there is no requirement for custodial interrogation. The applicant is a law-abiding citizen and has been languishing in jail since 05.03.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that the presence of the applicant and his quarrelling with the deceased just before the incident were duly proved from the statements of Nipun Tyagi, Aryan Tyagi and Shanu Chaudhary, but they

have not been examined till date before the trial court. It is further submitted that the applicant himself came to the police station and surrendered and also handed over the firearm used in committing the murder of the deceased, which has been sent to the FSL, and the ballistic report is yet to be received. Therefore, the applicant is not entitled to be released on bail.

5. Considering the entire facts and circumstances of the case, the submissions of learned counsel for the parties and taking into account the fact that the three witnesses, namely, Nipun Tyagi, Aryan Tyagi and Shanu Chaudhary, are yet to be examined before the trial court, who had last seen the applicant with the deceased and had witnessed them quarrelling with each other, and no other ground has been made out or raised by learned counsel for the applicant for releasing the applicant on bail, this Court is not inclined to release the applicant on bail.

6. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**. However, the learned trial court is directed to conclude the trial of the applicant as expeditiously as possible in view of the law laid down by the Hon'ble Apex Court in the Case of **Liakat Ali v. State of Jammu and Kashmir, Writ Petition (Crl.) No. 99 of 2026**, decided on **16.07.2026**.

7. Application, if any, stands **disposed of**.

8. It is further directed that the concerned In-Charge, FSL, shall prepare the ballistic report regarding the weapon recovered from the applicant within a period of one month, and the same shall be submitted before the trial court.

(Arun Kumar Singh Deshwal,J.)

September 23, 2026

SA