



2026:AHC:200965

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33969 of 2026

Harvindra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shyam Surat Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Shyam Surat Shukla, learned counsel for the applicant, Sri Suryansh Chaudhary, learned counsel for the first informant, Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.

2. This is a second bail application which has been filed on behalf of the applicant with a prayer to release him on bail in Case Crime No. 070 of 2025, under Sections 318(4), 338, 336(3), 336(4), 340(2) & 61(2) of the Bharatiya Nyaya Sanhita (B.N.S.), 2023, Police Station Mawana, District Meerut, during the pendency of the trial. The first bail application of the applicant, being Criminal Misc. Bail Application No. 21958 of 2025, was rejected on 19.03.2026, being the principal offender of forgery and cheating.

3. Contention of learned counsel for the applicant is that as per Section 480(6) of BNSS, if a case is triable by the Magistrate and the trial of that case is not concluded within a period of 60 days from the first date fixed for taking evidence, then such person shall be released on bail unless reasons are recorded by the Magistrate. In the present case, the first date for taking evidence was fixed on 20.07.2026 and 60 days have passed on 21.09.2026, therefore, in view of Section 480(6) of BNSS, the applicant should be released on bail. It is further submitted that the applicant has no criminal history. It is further submitted that charge-sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and he is languishing

in jail since 26.05.2025. 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 counsel for the first informant as well as learned A.G.A. for the State have vehemently opposed the prayer for bail and submitted that Section 480(6) of BNSS is applicable to the Magistrate and not to the High Court. He further submitted that once the High Court has already rejected the first bail application of the applicant, then in the second bail application the applicant should have raised a new ground. It is further submitted that no other ground has been raised by learned counsel for the applicant, therefore, the applicant is not entitled to be released on bail.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that though the offence is triable by the Magistrate, but Section 338 of the BNS is punishable up to life imprisonment and the present case is a case of forgery and cheating regarding the property, and this Court has already considered the entire case on merits in the first bail application, and insofar as Section 480(6) of BNSS is concerned, firstly, that is applicable to the Magistrate and even if the trial is not concluded within 60 days from the first date fixed for evidence, in that case the bail can be rejected for the reasons to be recorded. This Court has already recorded detailed reasons while rejecting the first bail application. No other ground has been raised by learned counsel for the applicant, therefore, 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**.

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

(Arun Kumar Singh Deshwal,J.)

September 24, 2026

SA