2026:AHC:209382

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34648 of 2026

Shamim Ahmad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pavan Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Pavan Kumar, learned counsel for the accused applicant at the very threshold submits that the name of the father of accused applicant is incorrectly mention as Abdul Gafoor in place of Abdul Aziz. He may be permitted to carry out the necessary amendment.

2. Oral amendment is allowed.

3. The amendment be carried out during the course of the day, countersigned by the Bench Secretary.

4. Heard Sri Kumar, learned counsel for accused applicant and learned A.G.A. for State.

5. The present bail application has been moved by the applicant accused-**Shamim Ahmad** to enlarge him on bail in Case Crime No. 74 of 2026, under Sections 318(4), 338, 336(3), 340(2), 61(2) of BNS, P.S.- Sherkot, District- Bijnor, during the pendency of trial.

6. It is the contention of learned counsel for applicant that FIR is lodged by one of the Member of the Sherkot Sahkari Awas Samiti Limited namely Shahid Ali on 27.04.2026 against 14 persons. The name of accused applicant is not mentioned in the FIR. It is the contention of learned counsel that allegation in the FIR is that the father of accused applicant namely Abdul Aziz had entered into an agreement to sale in the year 1989 with the aforementioned society and the co-accused Shaukat Ali being the secretary of the society, has sold the land surreptitiously to

other co-accused. It is further contended that there is no role attributed on the accused applicant of any kind of cheating or involvement in the transfer of the property. The applicant has been implicated during the investigation merely because he is son of Abdul Aziz, who is the original owner of the property. Further submits that through the registered agreement executed in the year 1989, the possession was simultaneously handed over but the sale deed has not been executed so far. The applicant has no complicity in the case. The accused applicant has no criminal history. Investigation is continuing and the applicant is co-operating in the investigation. The accused applicant is languishing in jail since 01.09.2026. He seeks enlargement of accused on bail.

7. Learned A.G.A. for State opposed the bail application.

8. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

9. Considering that prima facie there is no incriminating material available against the accused applicant, the accused/applicant is entitled to be released on bail.

10. Hence, without touching merit of the case, the bail application is **allowed**.

11. The accused/applicant be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

12. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 7, 2026
Sharad/-

Digitally signed by :-
SHARAD KUMAR SRIVASTAVA
High Court of Judicature at Allahabad