2026:AHC:211084

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36069 of 2026

Harun

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Saurabh Mishra, learned counsel, holding the brief, appeared for the accused-applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Harun** to enlarge him on bail in Case Crime No. 137 of 2026, under Sections 310(2), 317(3) BNS, P.S.- Musajhag, District- Badaun, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been implicated during investigation in F.I.R. dated 24.07.2026 lodged by one Jarafat, who is the driver of Eicher Canter, which has been robbed by three anonymous persons. Further contended that on the basis of GPS, the canter was located and the accused-applicant has been arrested and canter was recovered. The arrest and recovery has been made in the absence of independent witness. Two persons including the accused-applicant were shown arrested by the police, whereas, one, the driver of the canter had sprinted away. Further contended that there is no detail of GPS on the basis of which the canter was located. The investigation is continuing. He is cooperating in the investigation. The applicant has no criminal history. The applicant is in jail since 24.07.2026 and hence, the applicant seeks to be released on bail.

4. Learned A.G.A. for State has opposed the prayer for bail of the applicant, but could not dispute the aforesaid facts.

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

6. Considered that the arrest and recovery has been made in the absence of independent witness and the GPS location has not been placed on record of the case diary.

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

8. 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].**

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

(Avnish Saxena,J.)

October 8, 2026
Shivangi

Digitally signed by :-
SHIVANGI YADAV
High Court of Judicature at Allahabad