2026:AHC:209859

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35838 of 2026

Pawan Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Subhash Chand
Counsel for Opposite Party(s)	:	G.A., Niyaj Ahamad

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Subhash Chand, learned counsel for the applicant, Sri Niyaj Ahamad, learned counsel for the informant, Sri Anit Kumar Shukla, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.283 of 2026, under Sections 109(1), 117(2), 115(2), 352 B.N.S., Police Station Atrauli, District Aligarh, during the pendency of trial.

4. Learned counsel for the applicant has argued that the FIR is delayed by about 2 days, and there is no explanation for the said delay. It is true that two persons have sustained injuries in the instant case, but the wife of the applicant also sustained injuries in the instant case, and an application under Section 173(4) B.N.S.S. was moved by the wife of the applicant, which has been treated as a complaint case. There being a cross-version, at this point of time, it cannot be ascertained as to which party was the aggressor. The wife of the applicant had sustained 5 injuries and was medically examined on the date of the incident itself at about 03:30 p.m. The applicant has no criminal history and is in jail since 10.06.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and there being a cross-version, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

7. Let the applicant- **Pawan Kumar**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

October 7, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad