2026:AHC:212859

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36198 of 2026

Pawan Kharwar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Ashok Kumar Maurya, learned counsel for applicant hands up supplementary affidavit explaining the criminal history, the same is taken on record.

1A. Heard Sri Maurya, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant accused-**Pawan Kharwar** to enlarge him on bail in Case Crime No. 114 of 2026, under Sections 303(2), 317(2), 317(4), 3(5) of BNS, P.S.- Nagra, District-Ballia, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated during investigation in FIR dated 30.05.2026 lodged by Vinod Kumar with the allegation that his motorcycle was stolen by some anonymous persons. After sometime, the accused applicant and two other persons have been apprehended by the police while on patrolling duty and recovered motorcycle which was found stolen. It is at the instance of accused applicant, other four motorcycles were recovered. One of the motorcycle is connected to the present case. Further submits that the arrest and recovery has been made in the absence of independent witness. The accused applicant has criminal history of six cases, in three cases, he is on bail and in three cases he is in jail. Further submits that four case has been opened while arresting the accused. Charge sheet is submitted. The accused applicant is languishing

in jail since 31.05.2026 He seeks enlargement of accused on bail.

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

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

6. Considering that recovery and arrest has been made in the absence of independent witness, the accused/applicant is entitled to be released on bail.

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 9, 2026
Sharad/-

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