HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11275 of 2026

Chhitar Singh And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Deepak Dubey, Raghuvansh Misra
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicants and learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicants in Case Crime No. 255 of 2026, under Sections 123, 85, 80(2) BNS and Section 3/4 of D.P. Act, Police Station Sadabad, District Hathras with a prayer to grant them anticipatory bail.

3. Learned counsel for the applicants submits that the applicants are absolutely innocent and have been falsely implicated in the present case. They have nothing to do with the alleged offence in spite of that the police are trying to arrest the applicants. The applicant no. 1 is brother-in-law (jeth) and the applicant no. 2 is sister-in-law (jethani) of the deceased. The marriage between the deceased and her husband-Pravesh Kumar was solemnized on 29.11.2023. The applicant no. 1 was posted in Confidential Section in the office of Police Commissioner, Sector 108, Gautam Budh Nagar at the time of the alleged incident. The applicant no. 2 was living with her husband (applicant no. 2). It is further submitted that the applicants have no concerned with the family affairs of the deceased and her husband. They were living separately in Distict Gautam Budh Nagar. General and omnibus allegations have been levelled against the applicants. As per postmortem report, cause of death could not be ascertained, hence viscera was preserved. There is no injury on the person of the deceased. The case of the applicants is distinguishable from that of co-accused Pravesh Kumar (husband of the

deceased) and Balveer Singh (father-in-law of the deceased). Earlier the applicant no. 1 was implicated in two cases, however, he was not convicted in any case; even no charge-sheet was submitted in the aforesaid cases. The applicant no. 2 has no criminal antecedent to her credit. Learned counsel for the applicants further submits that the applicants undertake to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or the Court concerned. It has also been stated that, in case the applicants are granted anticipatory bail, they shall not misuse the liberty of bail, shall cooperate with the investigation, and shall abide by all the conditions that may be imposed by the Court.

4. On the other hand, learned A.G.A. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

5. I have heard the rival submissions of both sides and perused the record.

6. The applicant no. 1 is brother-in-law (jeth) and the applicant no. 2 is sister-in-law (jethani) of the deceased. They claimed separate living from the husband of the deceased. General and omnibus allegations have been levelled against the applicants. The case of the applicants is distinguishable from that of co-accused Pravesh Kumar (husband of the deceased) and Balveer Singh (father-in-law of the deceased).

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. In **Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676**, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an

accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

9. Considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicants and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

10. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest of the applicants-**Chhitar Singh** and **Suman** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on their furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned or to the court concerned;

(ii) The applicants shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(iii) The applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and

(iv) The applicants shall not leave India without the previous permission of the Court.

11. In default or misuse of any of the conditions, the Public Prosecutor/

Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants, before the concerned court.

(Vivek Kumar Singh,J.)

October 28, 2026
Lalit Shukla

Digitally signed by :-
LALIT KUMAR SHUKLA
High Court of Judicature at Allahabad