



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1271 of 1987

Kulwant Singh And Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : P.N. Mishra, Shamsheer Singh
Counsel for Respondent(s) : A.G.A.

Court No. - 49

**HON'BLE AJAY BHANOT, J.
HON'BLE TARUN SAXENA, J.**

Order in Bail Application

The appellants has been arrested pursuant to the N.B.W. issued by this Court by order dated 10.12.2025.

Sri Shamsheer Singh, learned counsel for the appellants submits that the appellants were enlarged on bail during the pendency of this appeal on 21.05.1987. Non-bailable warrant was issued against the appellants by this Court by order dated 10.12.2025 on the ground of non appearance of the counsel for the appellants in this case. The appellants were arrested on 08.01.2026, 11.01.2026 and 20.01.2026 and since then they have been confined to jail.

Four appellants namely Dariya Singh, Phanda Singh, Bachan Singh and Shankar Singh died during the pendency of the appeal.

The following arguments made by Sri Shamsheer Singh, learned counsel for the appellants, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned A.G.A.-I from the record, entitle the appellants for grant of bail:

1. The appellants never tampered with the evidence nor adopted dilatory tactics during the trial proceedings. The appellants cooperated with the trial proceedings.

2. The appellants were enlarged on bail during the pendency of the appeal.
3. The NBWs were issued against the appellants only on account of absence of their counsel when the matter was taken up for hearing. Absence of learned counsel was due to bonafide reasons.
4. The appellants undertake not to abuse the liberty of bail in future as well.
5. Learned counsel for the appellants is prepared to argue the matter on merits as when the appeal is taken up for hearing.
6. The appellants are prepared to furnish fresh sureties.

The appellants are not a flight risk. The appellants being law abiding citizens have always cooperated with the investigation and had joined the trial proceedings. The appellants are not likely to reoffend.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is **allowed.**

Let the appellants- **Kulwant Singh, Mahendra Singh, Nand Singh, Chhimmi, Chhinda, Kulwant Singh, Satnam Singh, Jeet Singh**, be released on bail in S.T. No. 143 of 1985 (State Vs. Kulwant Singh and others) under Sections 147, 323/149, 302/149 I.P.C. P.S.- Hazara District- Pilibhit on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below.

Order in Appeal

List in the due course.

(Tarun Saxena,J.) (Ajay Bhanot,J.)

February 10, 2026

Vandit