



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 24195 of 2025

ShamshadApplicant(s)

Versus

State of U.P.Opposite
Party(s)

Counsel for Applicant(s) : Sundeep Shukla
Counsel for Opposite Party(s) : Akash Tyagi, G.A., Neha Tyagi

Court No. - 49

HON'BLE AJAY BHANOT, J.

This is the fourth bail application. The applicant is in jail since 23.07.2020.

Shri Sundeep Shukla, learned counsel for the applicant contends that there were five witnesses of recovery namely (1) Anshul Kumar S/o Vedpal Singh (2) Mohit Vikalp S/o Sushil Kumar, (3) Abhishek S/o Sundar Pal (4) Banti S/o Tejpal (5) Toni S/o Arvind. According to learned counsel for the applicant the police authorities have produced documents which record that the witnesses so described in the recovery memo are not traceable. According to learned counsel for the applicant infact there are no witnesses to the recovery and the recovery memo is a false.

The second contention of Shri Sundeep Shukla, learned counsel for the applicant is that two witnesses who had exhumed the dead body of the deceased have already been discharged.

Senior Superintendent of Police, Meerut shall file a personal affidavit disclosing the reasons for the aforesaid discrepancies and continued failure of the prosecution to produce the aforesaid witnesses of recovery before the learned trial court.

The status report sent by the learned trial court discloses that P.W. 5 was not appearing before the learned trial court on the appointed dates despite issuance of coercive measures.

The personal affidavit to be by Senior Superintendent of Police, Meerut shall also explain non compliance of directions of this Court in **Bhanwar Singh @ Karamvir Vs. State of U.P. (Criminal Misc. Bail Application No. 16871 of 2023) & Jitendra v. State of U.P. (Criminal Misc. Bail Application No.9126 of 2023)** as well as directions of Director General of Police, Government of U.P. & the Home Secretary, Government of U.P. issued in compliance thereof.

Additional Director General of Police, Meerut Zone, Meerut shall ensure that all prosecution witnesses promptly respond to the summons issued by learned trial court and the police authorities take their duties of executing the summons and other coercive measures in a prompt manner.

While deciding the second bail application registered as Criminal Misc. Bail Application No. 5886 of 2023 this Court had alerted the learned trial court of the right of the accused to speedy trial. Various directions were also made in Criminal Misc. Bail Application No. 5886 of 2023 on 26.07.2023 upon the learned trial court to expedite the trial and to implement the mandate of Section 309 Cr.P.C./346 BNSS.

The District Judge shall look into the matter and shall oversee the compliance of the directions of this Court dated 26.07.2023 issued in Criminal Misc. Bail Application No. 5886 of 2023 to ensure expeditious conclusion of the trial.

Learned trial judge shall forthwith send a fresh report regarding the status of the trial and cause for the delay in concluding the trial in Case Crime No. 454 of 2020 under Sections 302, 201, 34 I.P.C., Police Station -Partapur, District-Meerut and also the following details in tabulated form:-

(1) Dates on which chargesheet was filed and the charge was framed.

- (2) Number of prosecution witnesses in the chargesheet.
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.
- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.
- (5) Names and number of prosecution witnesses who have been examined before the trial court with dates.
- (6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.
- (7) Names and number of witnesses against whom coercive measures have been taken out with dates.

Joint Director (Prosecution) shall file an affidavit on the next date of listing disclosing the total number of witnesses to the recovery and exhumation of dead body respectively proposed to be examined.

List this case on 15.01.2026.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Meerut by the Registrar (Compliance) by FAX.

(Ajay Bhanot,J.)

December 18, 2025

Dhananjai