



2026:AHC:55312

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26870 of 2025

Dilshad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhilesh Kumar, Shree Prakash Giri
Counsel for Opposite Party(s) : Syed Faiz Hasnain, Adil Jamal, G.A.,
Mohd. Hasham, Shabeh Jamal

Court No. - 66
(Sl. No. 55 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shree Prakash Giri, learned counsel for applicant, Sri Syed Raza, learned Advocate holding brief for Sri Syed Faiz Hasnain, learned counsel for the informant as well as Sri J.K. Chaurasia, learned State Law Officer and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No. 278 of 2024, under Sections 191(2), 191(3), 190, 103(1) BNS, Police Station Nagfani, District Moradabad, with the prayer to enlarge him on bail.
4. As per prosecution story, the deceased was stabbed first of all by co-accused Shahnavaaz and thereafter the applicant alongwith Sarfaraz had assaulted him with knives. There are allegations of having fired at the deceased against co-accused Shakil @ Anda on 15.11.2024 at about 2.30 pm.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The deceased expired on the spot and the FIR is delayed by about five hours, as such, the delay speaks volume of the fact that there was no eye-witness account of the incident but subsequently, eye-witnesses have been roped in by the prosecution. The applicant and the co-accused person Sarfaraz have been assigned simple role by the informant in the FIR.

6. Learned counsel has further stated that the co-accused Sarfaraz has been enlarged on bail by a co-ordinate Bench of this Court vide its order dated 27.5.2025 passed in Criminal Misc. Bail Application No. 14265 of 2025. Although the said bail has been granted to him on the ground that the two witnesses, Waseem and Naseem have assigned the role of catching hold the deceased to co-accused person Shamshad Hussain but otherwise, the case of bail of the applicant is also made out as the video footage of the place of occurrence was also perused by the investigating officer and the applicant is not visible in the said footage. The only persons visible are co-accused persons Ikram, his brother Shahnavaz @ Mulla and Ehsan.

7. Learned counsel for the applicant has stated that the applicant has no criminal history. He is in jail since 18.11.2024, as such, period of incarceration is more than one year. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Per contra, learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that the said video footage in which the applicant is not visible is of 14-15 seconds only, whereas the incident took place for more than one minute. The deceased sustained as many as twenty injuries. The incident occurred at two places, as the deceased was assaulted twice by all the accused persons.

9. Learned counsel for the informant has further stated that the applicant is named in the FIR. It is stated that applicant carried motive of the offence, as he had married the wife of deceased. The eye-witnesses have assigned the role of assault to the applicant. There are ample stab wounds, which if counted separately, may be more than thirty blows, as such, the applicant is not entitled for bail.

10. After hearing learned counsel for the parties and taking into consideration the fact that the deceased has sustained as many as twenty stab wounds and the incident took place at two places and the said video footage is of short duration, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, *rejected*.

11. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as

has been laid down in the recent judgments of the Supreme Court in the cases of *Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220* and *Hussain and Another vs. Union of India; (2017) 5 SCC 702*, if there is no legal impediment.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

March 18, 2026

Shalini