

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2822 OF 2026
(Arising out of S.L.P.(Criminal) No.10259 of 2026
@ Diary No.27041 of 2026)

AAMIR ... APPELLANT(S)

VS.

SHAKEEB & ANR. ... RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.2823 OF 2026
(Arising out of S.L.P.(Criminal) No.10260 of 2026
@ Diary No.27034 of 2026)

CRIMINAL APPEAL NO.2824 OF 2026
(Arising out of S.L.P.(Criminal) No.10261 of 2026
@ Diary No.27043 of 2026)

O R D E R

1. Permission is granted to file Special Leave Petitions.
2. Leave granted in all the three petitions.
3. Since the issues raised in all the three captioned appeals are the same and the accused persons are co-convicts, those were taken up for hearing analogously and are being disposed by this common order.
4. The three appeals are at the instance of the de-facto complainant. It appears that on 9th July, 2017 at about 07.10 P.M., the deceased, namely Arif, a local Councilor and Shadab @ Bhura were attacked at a barbar

shop near Kasaiyon Wali Masjid, Meerut, Uttar Pradesh. It is the case of the prosecution that the three accused before us, namely, Shakib, Shariq and Kasif respectively along with other co-accused came at the salon armed with firearms and shot dead Aamir while he was seated for a shave. Aamir died at the spot. Shabad @ Bura also suffered firearm injuries and was immediately taken to the hospital. He succumbed to the injuries in the hospital. The motive, as ascribed for the commission of the alleged crime, is that both the deceased were to be eliminated being the key prosecution witnesses in the Saloni Kinner Murder Case (Case Crime No. 666 of 2016).

5. The appellant before us having come to know about the killings of Arif and Shadab immediately informed the Kotwali Police Station, whereupon an FIR was registered as case crime No. 54 of 2018 at around 08.20 P.M. All the accused persons were arrested in connection with the alleged crime.

6. It appears that at the time of the incident, Shakib and Kasif respectively were in jail undergoing life imprisonment in connection with the Saloni Kinner Murder Case.

7. It is the case of the prosecution that while in jail undergoing life imprisonment, they hatched a conspiracy to away with Arif and Shadab who were the prime eye witnesses in the Saloni Kinner Murder Case.

8. At the end of the investigation, charge-sheet came to be filed and the filing of the charge-sheet culminated in Sessions cases. At the end of the trial, all the three accused persons before us namely Shakib, Shariq and Kasif respectively along with other co-accused were held to be guilty of the alleged crime of double murder and consequently were sentenced to undergo life imprisonment with fine.

9. Being dissatisfied with the judgment and order of conviction passed by the Trial Court, the three convicts have gone in appeal before the High Court of Judicature at Allahabad.

10. The appeals are of the year 2024 and they have been admitted. In their respective appeals, they preferred Criminal Miscellaneous Applications seeking suspension of sentence and release on bail pending the final disposal of their appeals. The High Court thought fit to suspend the substantive orders of sentence of life imprisonment and ordered released of all the three convicts before us on bail, pending the final disposal of their appeals.

11. In such circumstances referred to above, the original de-facto complainant is here before us with the present three appeals.

12. We heard Mr. M.C. Dhingra, learned senior counsel appearing for the de-facto complainant that is the appellant. Mr. Rajan Srivastava, learned counsel appearing for the three accused persons (convicts) and Mr. Aniket Tiwari, learned counsel appearing for respondent No. 2 i.e. the State of Uttar Pradesh.

13. It is a well-settled position of law that when a convict of an offence of murder who has been sentenced to undergo life imprisonment seeks suspension of the substantive order of sentence of life imprisonment and release on bail pending the criminal appeal, the relevant consideration at the end of the Appellate Court should be to see whether there is anything gross or something very palpable on the basis of which the Appellate Court is more than *prima facie* convinced that there are more than fair chances of the convict getting acquitted. At the stage of considering the plea for suspension of sentence of life imprisonment, the Appellate Court should ordinarily remain loath and circumspect. The Appellate Court should ordinarily not re-appreciate the evidence and try to find out some lacunas here or there in the evidence. The case at hand is one of double murder. It *prima facie* appears to be a case of a well hatched conspiracy by two of the accused before us, as alleged, while in jail undergoing life imprisonment in connection

with one other offence of murder i.e. Saloni Kinner Murder Case.

14. We looked into the impugned orders passed by the High Court. What weighed with the High Court, *prima facie* appears to be the conflict between the ocular version and the nature of the injuries suffered by the two deceased persons. We may put it in other words. According to the High Court, although it is a case of double murder, yet having regard to the entry of the wounds, only one weapon could be said to have been used in the commission of the crime and in such circumstances, the accused persons before us could not have been held guilty with the aid of Section 149 of the IPC.

15. We may only say that once Section 149 of the IPC is invoked, it is not necessary that the prosecution should be in a position to attribute a particular overt act. Once an accused is found to be one of the members of the unlawful assembly and his presence in the unlawful assembly is established, there need not be any overt act on his part. Besides, the Appellate Court should keep in mind that once the accused is held guilty the presumption of innocence no longer remains.

16. We do not want to observe anything further on merits as the same may cause prejudice to the accused persons in the pending criminal appeals. All that we want to convey is that we are not convinced with the impugned orders passed by the High Court releasing the accused/convicts on bail pending the final disposal of their appeals.

17. In the result, all the three appeals succeed and are hereby allowed. The impugned orders passed by the High Court are hereby set aside.

18. We grant one week's time to all the three accused to surrender before the Trial Court.

19. At this stage, the learned counsel appearing for the accused/convicts submitted that his clients are undergoing life imprisonment past almost eight and a half years and the appeals are of the year 2024. According to him, the appeals are not likely to be taken up in near future.

20. In the facts and circumstances of this case and having regard to the fact that the accused persons are undergoing sentence past more than eight years, it shall be upon for the accused persons to request the High Court to give some priority to their Criminal Appeals.

21. All the three accused/convicts have criminal antecedents, we are informed that insofar as Shariq is concerned, there are in all 16 cases of which 4 are pending of the offence of murder. We are further informed that insofar as Shakib and Kasif are concerned, they are also in jail as there are other offences against them.

.....J.
(J.B. PARDIWALA)

.....J.
(K.V.VISWANATHAN)

NEW DELHI;
May 25, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 27041/2026

[Arising out of impugned final judgment and order dated 22-04-2026
in CRLA No. 9224/2024 passed by the High Court of Judicature at
Allahabad]

AAMIR

Petitioner(s)

VERSUS

SHAKEEB & ANR.

Respondent(s)

(IA No. 150911/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 150910/2026 - EXEMPTION FROM FILING O.T.

IA No. 150912/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

WITH Diary No(s). 27034/2026

(IA No. 149128/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 149125/2026 - EXEMPTION FROM FILING O.T.

IA No. 149130/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 27043/2026

(IA No. 151087/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 151086/2026 - EXEMPTION FROM FILING O.T.

IA No. 151092/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 25-05-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. M C Dhingra, Sr. Adv.

Mr. Gaurav Dhingra, AOR

Mr. Pityush Kant Roy, Adv.

Mr. Shashank Singh, Adv.

Mr. Piyush Kant Roy, Adv.

For Respondent(s) :

Mr. Rajul Srivastav, Adv.
Mr. Shashank Shekhar, AOR
Mr. Akhil Sharma, Adv.
Mr. Dhananjay Kumar, Adv.
Mr. Ratnesh Kumar, Adv.
Mr. Meghraj Singh, Adv.
Mr. Ronak Baid, Adv.

Mr. Aniket Tiwari, Adv.
Mr. Vijendra Singh, AOR
Mr. Manish Kumar, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

Leave granted.

**The appeals are allowed in terms of the signed
order.**

Pending applications shall also stand disposed of.

**(ANITA MALHOTRA)
AR-CUM-PS**

**(POOJA SHARMA)
COURT MASTER**

(Signed order is placed on the file.)