



2025:AHC:223097

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37160 of 2025

Babbu Alias Haider

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Haya Rizvi, Zia Rizvi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. In pursuance of the order dated 28.11.2025, a report has been submitted by the Additional District and Sessions Judge, Court No.1, Baghpat, regarding illegible order sheet prepared in her court. In the report, it is mentioned that she received the file of the case on 16.12.2022 and she was aware about the order passed by the coordinate Bench of this Court in Application u/s 482 No. 32490 of 2023 and also she complies with the same and in future she will be more careful.

2. However, from the perusal of the order sheet, it is clear that after receipt of the file of this case by Additional District and Sessions Judge, Court No.1, Baghpat on 16.12.2022, order sheet has been written in illegible handwriting which is clear violation of the order of this Court passed in Application u/s 482 No. 32490 of 2023 and this fact was admitted by the said learned judge that she was aware about the order of this Court passed in Application u/s 482 No. 32490 of 2023.

3. Above facts show clear admission that despite knowledge of the order of the coordinate Bench of this Court passed in Application u/s 482 No. 32490 of 2023 for typing the order sheet or for writing the same in legible handwriting, the order has not been complied with. Though it is a clear case of disobeying the order of this Court, but this Court resists itself from passing any stricture against the present Additional District and Sessions Judge, Court No.1, Baghpat, and expects that in future she will be more careful while maintaining the order sheet in compliance of the order

passed in Application u/s 482 No. 32490 of 2023.

4. However, this Court directs the Registrar General of this Court to again circulate the order of the coordinate Bench of this Court passed in Application u/s 482 No. 32490 of 2023 to the all the District Judges who will sensitize to all other judicial officers regarding writing of the order sheet in legible handwriting or it should be typed.

Order on merit

5. Supplementary affidavit, filed by learned counsel for the applicant, is taken on record.

6. Heard Ms. Ifra Fatima, advocate holding brief of Ms. Haya Rizvi and Sri Roshan Kr. Singh, learned A.G.A. for the State.

7. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 563 of 2018, under Sections 147, 148, 149, 307 IPC, P.S. Khekna, District Baghpat.

8. Contention of learned counsel for the applicant is that it is a case of firing upon the police party in which no one was injured. It is further submitted that even the applicant was not arrested on the spot and his name surfaced on the basis of statement of the co-accused who was arrested on spot. It is further submitted that though the applicant was released on bail in the year 2018, the case was committed on 5.1.2020. Thereafter, the applicant could not appear before the court, therefore, he was arrested and finally on 30.9.2021 he was again released on bail. It is submitted that though the applicant appeared before the trial court from 30.9.2021 to 30.12.2021, the charge could not be framed for the reason that co-accused Parvej was absconding. Thereafter, because of illness of mother of the applicant, he could not appear before the court below subsequent to 30.12.2021, therefore, NBW was issued against him. Finally he appeared before the court below and applied for bail. It is further submitted that in case he is released on bail, he will appear before the court below on each and every date. It is further submitted that as the co-accused Parvej is not appearing before the trial court despite issuance of coercive measure, therefore, even if the applicant remained in jail the

trial could not proceed in absence of the co-accused. It is further submitted that applicant has explained his criminal history of five cases in the accompanying affidavit and he is languishing in jail since 5.3.2025.

9. Per contra, learned A.G.A. for the State opposed the prayer for bail and submitted that considering his past conduct, if the applicant is released on bail, securing his presence before the trial court would be difficult.

10. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account that applicant was also released on earlier occasions in the year 2018 and 2021, but because of non-appearance on the part of the applicant, N.B.W. was issued against him and early conclusion of trial is not possible as the co-accused is absconding, this Court is of the opinion that the applicant is entitled to be enlarged on bail.

11. Let the applicant- **Babbu @ Haider**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- i. The applicant will appear before the court below on each and every date. In case the applicant fails to appear without any reasonable cause, the court below would be free to cancel his bail and it may issue warrant to arrest him immediately.
- ii. The applicant 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- iii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iv. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- v. The applicant shall attend in accordance with the conditions of the bond executed by him.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

13. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

14. The applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

15. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

16. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on 31.01.2023; reported in **(2024) 10 SCC 685**.

(Arun Kumar Singh Deshwal,J.)

December 11, 2025

Vandana