



2026:AHC:163177

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15601 of 2026

Saba Masud

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	: Mohd. Aslam, Sadrul Islam Jafri, Sr. Advocate
Counsel for Opposite Party(s)	: G.A., Kartikay Agarwal, Kuldeep Kumar, Punit Kumar Gupta, Sri Balram Govind Tripathi

Reserved On: 29.07.2026
Delivered On: 05.08.2026

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. Heard Sri N.I. Jafri, learned Senior Counsel assisted by Sri Mohd. Aslam, learned counsel for the applicant, Sri Kuldeep Kumar, learned counsel for Union of India, Sri Kartikay Agarwal, learned counsel for the informant and perused the material available on record.

2. Applicant seeks bail in Case Crime No.33 of 2026, under Sections 318(4), 336, 338, 340(2), 351(2), 352, 61(2) B.N.S. and Section 14-Kha of Foreigners Act, Police Station Delhi Gate, District Meerut, during the pendency of trial.

PROSECUTION STORY:

3. The F.I.R. was instituted by one Smt. Ruksana Khan, w/o Ayaz Ahmed, at Police Station Delhi Gate, Meerut, with the allegations that the applicant, a Pakistani national, and her daughter, Aiman Farhat, are illegally residing in India on the basis of forged documents and passports.

4. It is also alleged in the F.I.R. that the applicant was married to an Indian national, Farhat Masud, and had given birth to a baby girl, Aiman Farhat, in Pakistan only. As such, the mother-daughter duo entered India on Pakistani passports and are residing illegally thereupon. It is further alleged that the father of the applicant, a Pakistani national, was an I.S.I. agent, and that the applicant was involved in visiting Army Headquarters and Ministries in Delhi.

ARGUMENTS ON BEHALF OF APPLICANT:

5. It is admitted that the applicant is a Pakistani national and was known as Shaba Hanif before her marriage. She got married to Farhat Masud, an Indian national, in Lahore on 10.11.1986, and got the said marriage registered there on 12.11.1986. Copies of the Nikahnama and the marriage certificate have been filed as Annexure No.6 to the affidavit accompanying the bail application.

6. The informant is at animus with the applicant, as she had fallen apart in business with applicant's husband. She could not cite a single instance indicating that the applicant had ever attempted to obtain an Indian passport at any point during her stay in India for about 35 years.

7. The passport of the daughter of the applicant was obtained with her date of birth recorded as 25.05.1993, and it clearly mentions that her father is an Indian national. As such, the applicant did not conceal any fact whatsoever. Even the latest passport of the daughter of the applicant, Aiman Farhat, which was issued on 05.07.2022, is valid till 03.07.2032, and a copy thereof has been annexed as Annexure No.8 to the affidavit.

8. The applicant, after her marriage to the Indian national, Farhat Masud, has been residing in India mostly on the basis of a long-term visa granted to her by the Indian authorities, which was duly extended from time to time. As per the latest extension, a long-term visa was granted to the applicant on 11.03.2025, which is valid till 10.03.2027. A copy of the Residential Permit (Regular) (for Pakistani nationals) along with the Long-Term Visa (LTV) has been filed as Annexure No.9 to the affidavit.

9. The applicant has never forged any document or cheated anybody, as she had, on several occasions, applied for obtaining Indian citizenship by filing online Application Form III under Rule 5(1)(a) of the Citizenship Rules, 2009 on 23.09.2010 and 16.11.2011, and the said applications are still pending before the concerned authorities. Copies thereof have been filed as Annexure No.10 to the affidavit accompanying the bail application.

10. The applicant did not conceal her Pakistani nationality. Even the District Magistrate, Meerut, had written to the L.I.U., Meerut, recommending the grant of citizenship to the applicant. Photocopies of the letters dated 18.03.2012 and 11.12.2012 have been filed as Annexure No.11 to the affidavit accompanying the bail application. The applicant holds a valid passport.

11. The allegation that the applicant obtained a false Indian voter ID card as "Nazia w/o Farahad" is incorrect, as the said person is altogether different, and the applicant has no concern with the said voter ID. The said lady, bearing EPIC No. TXL0674044, is a 39-year-old resident of Hastinapur, and her details are reflected on the portal of the Election Commission of India. The applicant never attempted to get herself enrolled in the voter list in India.

12. The present FIR has been instituted by the informant due to the ongoing dispute with the family of the applicant, as in the year 2008 an F.I.R., being F.I.R. No. 324 of 2008, under Sections 420, 467, 468, 471, 504 and 506 I.P.C., Police Station Lalkurti, District Meerut, was instituted against the informant and her husband by the Manager of the Waqf.

13. The applicant did not travel illegally in violation of the conditions of her visa. The applicant is a *pardanashin* lady and does not know who admitted her daughter, Aiman Farahat, to Sophia Girls School and furnished the said documents before the school authorities. The birth certificate of Aiman Farahat, daughter of the applicant, was prepared by Nagar Nigam, Meerut, and the applicant never visited Nagar Nigam,

Meerut, for getting the birth certificate issued. The said birth certificate was prepared by her family members with the help of a family friend.

14. The applicant has never travelled to any country other than Pakistan. She never obtained any SIM card in her name by using a fake identity or incorrect nationality and is a bona fide person, which is evident from the fact that she has been residing in India for more than 35 years and has never applied for any SIM card herself. The passport and other documents of the applicant were seized by the police authorities after her arrest upon serving a notice on her. The applicant is holding a valid visa till 2037 and a residential permit valid till 2027. As such, the applicant is entitled to bail.

15. The husband of the applicant has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27.04.2026 passed in Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No.3954 of 2026.

16. The applicant has no criminal history and is in jail since 16.02.2026. She undertakes to cooperate with the trial and not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT/UNION OF INDIA:

17. The applicant misused her residence in Meerut, Uttar Pradesh, and travelled to several places, including Deoband, Muzaffarnagar and Aligarh; as such, she is not entitled to bail. However, they could not bring on record any other relevant document indicating that any fraud had been committed by the applicant.

18. In rebuttal, learned Senior Counsel for the applicant has stated that the applicant travelled only once to Deoband for the marriage of her offspring, which was but natural, and did not commit any illegal act there whatsoever.

CONCLUSION:

19. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and

taking into consideration the fact that the applicant has been residing in India for more than 35 years on the basis of a valid long-term visa and residential permit granted by the competent authorities and that no material has been brought on record to indicate that she committed any forgery/fraud, *prima-facie*, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

20. Let the applicant- **Saba Masud**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that she shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

21. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

August 5, 2026
(Ravi Kant)