

Sanjay And 3 Others vs State Of U.P. Thru. Addl. Chief Secy. ... on 28 March, 2025

Author: Manish Kumar

Bench: Manish Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17798

Court No. - 14

Case :- APPLICATION U/S 482 No. - 2714 of 2025

Applicant :- Sanjay And 3 Others

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home Lko. And Another

Counsel for Applicant :- Sachin Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Manish Kumar,J.

1. Heard Sri Sachin Pandey, learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. The present application u/s 482 Cr.P.C. read with Section 528 of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 has been preferred for quashing of the impugned charge-sheet dated 21.06.2024 under Sections 147, 323, 504, 506, 452, 308 IPC, P.S. Jaisinghpur, District Sultanpur and impugned summoning order dated 13.09.2024 under Sections 147, 323, 504, 506, 452, 308 IPC passed in criminal case no. 5957/2024, State vs. Sanjay and Ors. arising out of case crime no. 63/2024 issued by learned Civil Judge (SD) Ist, Sultanpur as well as entire criminal proceedings

thereof.

3. After arguing the matter at some length, learned counsel for the applicants has submitted that liberty may be given to the applicant to file bail application before the trial court which may be directed to be decided in view of law laid down by Hon'ble Apex Court in the case of Satender Kumar Antil vs. Central Bureau of Investigation and another, (2022) 10 S.C.R. 351 : (2022) 10 SCC 51 and Musheer Alam vs. State of Uttar Pradesh and Another, 2025 SCC Online SC 116, and also to prefer a discharge application before the court below and the same may also be directed to be decided expeditiously.

4. Learned A.G.A has no objection to the prayer made by learned counsel for the applicants.

5. Keeping in view the aforesaid, the present application is disposed of with liberty as prayed for and with a direction to the court below that if the applicants apply for bail before the court concerned, prayer for bail shall be considered and decided expeditiously in accordance with law.

6. Liberty is also granted to the applicants to move discharge application before the court below, if charges have not already been framed, and the same shall be decided expeditiously, in accordance with law, if there is no any other legal impediment.

7. Taking note of the facts of the case and also the observations made by the Hon'ble Apex Court in the case of Satendra Kumar Antil (Supra) and Musheer Alam (Supra), this Court is of the view that it would be appropriate to observe that it is expected from the Police Officer concerned that for a period of 30 days from today or till the applicants apply for bail, whichever is earlier, they would not take any coercive action against the applicants in the aforesaid case.

Order Date :- 28.3.2025 Nitesh/Ashish