

Virendra Saroj And Others vs State Of U.P. Thru. Prin. Secy. Home Lko. ... on 28 March, 2025

Author: Manish Kumar

Bench: Manish Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17793

Court No. - 14

Case :- APPLICATION U/S 528 BNSS No. - 164 of 2025

Applicant :- Virendra Saroj And Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Applicant :- Dinesh Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.
2. The present application has been filed under Section 528 of B.N.S.S. by the applicants with the following prayer:-

"it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the summoning order dated 15.01.2025 passed by Chief Judicial Magistrate, District Pratapgarh arising out Case Crime No. 443/2024 U/s 115 (2), 110, 352, 351

(2) of the B.N.S. 2023 "State Vs. Virendra Saroj & Others" at Police Station Kotwali Nagar, District Pratapgarh, which is contained as annexure no. 1 to this petition, in the interest of justice.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the entire proceeding of the Crime No. 443/2024 U/s 115 (2), 110, 352, 351 (2) of the B.N.S. 2023 "State Vs. Virendra Saroj & Others" at Police Station Kotwali Nagar, District Pratapgarh, during pendency of the instant petition."

3. After arguing at some length, learned counsel for the applicants has submitted that liberty may be given to the applicants to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in the case of Satendra 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 as also to prefer a discharge application before the court below and the same may be decided expeditiously.

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

5. Keeping in view the aforesaid, the present application U/s 482 Cr.P.C. read with Section 528 BNSS 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, their 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 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 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.

8. With the aforesaid observations, the present application, is disposed of.

Order Date :- 28.3.2025 S. Kumar/Ashish