

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10081 of 2023

Applicant :- Jagdev Yadav @ Jagdev Singh And 2 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil
Sect. Lko. And 2 Others

Counsel for Applicant :- Jagdish Pratap Pandey, Praveen
Chandra Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

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

2. The present application has been filed with a prayer to quash the charge-sheet dated 24.05.2023 arising out of Case Crime No.392 of 2013, under Sections 323, 504, 506, 325 I.P.C., Police Station P.G.I., District Lucknow as well as summoning order dated 22.06.2023 passed by Chief Judicial Magistrate, Faizabad in Case No.69899 of 2023.

3. On 01.11.2023, following order was passed:

"1. In pursuance of the earlier order dated , Mr. Veer Bahadur Dubey-Investigating Officer, P.S. PGI, District Lucknow of the case in question is present before this Court along with complete record and informs that on the application of the private respondent, order dated 03.12.2022 was passed by Chief Judicial Magistrate, Lucknow and the investigation was conducted. The copy of the order dated 03.12.2022 as well as the application under Section 156(3) Cr.P.C. filed by private respondent, are taken on record.

2. Put up this case on 03.11.2023 at 11.30 a.m.

3. On the next date, Register No. 4, Register No. 8 and Z Register regarding the entry of charge sheet dated 25.12.2023, 24.02.2014 placed before this Court by the Investigating Officer.

4. The officer present today shall again appear before this Court on the next date. "

4. In pursuance of aforesaid order, Shri Veer Bahadur Dubey, Investigating Officer/ S.I., P.S. P.G.I., District- Lucknow is present.

5. As it is evident from the record that investigation of the case in question was conducted by Investigating Officer and charge sheet was prepared and forwarded to the Senior Officer but the same was returned on 26.02.2014, and thereafter, investigation of case in question was not conducted and after about 10 years, charge sheet has been filed on the request of informant.

6. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case, as investigation of case in question was conducted by the Investigating Officer in 2013, and thereafter, for the period of ten year, applicants are being victimized, therefore, kind indulgence of this Court is necessary.

7. Learned A.G.A. opposed the prayer of applicants and submitted that after detailed investigation, charge-sheet has been filed, therefore, the present application is liable to be dismissed.

8. Considering the arguments of learned counsels for the parties and going through the record, it cannot be said that no offence is made out against applicants and all the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court in proceedings under Section 482 Cr.P.C.

9. At this stage only prima-facie case is to be seen in the light of the law laid down by Hon'ble Supreme Court in the cases of **"R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq, another (Para-10) 2005 SCC (Cr.) 283 and Parabatbhai Ahir & Ors. Vs. State of Gujarat AIR 2017 SC 4843"**.

10. Therefore, in the view of the facts and circumstances, the prayer for quashing of the charge-sheet is hereby quashed.

11. A seven judges Bench of this Court in the case of **"Amrawati and another Vs. State of U.P. reported in 2004 (57) ALR 290 and Hon'ble Apex Court in Lal Kamendra Pratap Singh Vs. State of U.P. reported in 2009 (3) ADJ 322 (SC) and in Hussain and Ors. Vs. Union of India (UOI) and Ors. reported in MANU/SC/0274/2017** have given various directions to criminal Courts for expeditious disposal of Bail applications. The ratio of above mentioned decisions is quite clear that, in the backdrop of Article 21 of the Constitution of India as the personal liberty of a person is at stake, the bail application should be decided, expeditiously.

12. In the recent judgment, the *Hon'ble Supreme Court in SUO MOTO WRIT (CRL) No. (S) 1 of 2017 In RE: To issue certain guidelines regarding inadequacies and deficiencies in criminal trials vs. The State of Andhra Pradesh & Ors.* vide its judgment and order dated 20.04.2021 has observed the common deficiencies which occurred in the proceedings of the criminal cases and approved "The Draft Rules of Criminal Practice 2021" which is the part of the judgment in **Chapter V Rule 17** of aforesaid Rules that the application for bail in non-bailable cases must ordinarily be disposed off within a period of 3 to 7 days from the date of first hearing. If the application is not disposed off within such period, the Presiding Officer shall furnish reasons thereof in the order itself.

13. Further, as the Apex Court in *Satendra Kumar Antil Vs. Central Bureau of Investigation and another (Special Leave to Appeal (Crl.) No.5191 of 2021* has already laid down guidelines for grant of bail, without fettering the discretion of the courts concerned and the statutory provisions governing consideration in grant of bail, no specific directions need be issued by this Court as it is expected that the court concerned will take into consideration the necessary guidelines already issued by the Apex Court.

14. In backdrop of aforesaid decisions and keeping in view the entirety of facts and circumstances of the case and having regard to the submissions of learned counsel for the applicants, the application is **disposed of** with a direction to the court concerned that if the applicants apply for bail before the court concerned within 30 days from today, their prayer for bail shall be considered and decided expeditiously in accordance with law.

15. For a period of 30 days from today or till the applicants apply for bail, whichever is earlier, no coercive action shall be taken against the applicants in the aforesaid case.

16. Presence of officer is hereby discharged.

Order Date :- 3.11.2023

V. Sinha