

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11888 of 2023

Applicant :- Amrendra Veer Vikram Singh @ Amrendra Pratap Singh

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

Counsel for Applicant :- Suresh Chandra Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and perused the record.

The present application under Section 482 Cr.P.C. has been filed inter alia praying for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased set aside the impugned summoning order dated 08-02-2022 issued by Chief Judicial Magistrate, Faizabad, in Crl. Case No. 617 of 2022, Case Crime No. 262/2017, U/S-307, 323, 504, 506 I.P.C., (State VS Amrendra Pratap Singh) Police Station-Raunahi, District-Ayodhya, against the applicant/petitioner as well as impugned charge sheet no. A-158/17 filed on 11-09-2017 by the investigating officer in above noted Crl. Case No. 617 of 2022, Case Crime No. 262/2017, U/S- 307, 323, 504, 506 I.P.C., (State VS Amrendra Pratap Singh) Police Station- Raunahi, District-Ayodhya, contained as Annexure No. 1 & 2 in the interest of Justice."

For the purposes of relief(s) sought in the instant application, learned counsel appearing for the applicant says that challenging the FIR, which is the basis of entire prosecution case in issue, a Writ Petition (M/B) No. 15282 of 2017 (Amrendra Veer Vikram Singh @ Amit Singh vs. State of U.P. and others) was filed before this Court, in which, this Court after taking note of the facts and circumstances of the case particularly that the case setup by the prosecution is the case of no injury, protected the interest of the petitioner till submission of police report under Section 173(2) Cr.P.C. vide order dated 13.07.2017 and after filing of charge sheet, the said writ petition was consigned to record having become infructuous, as such, instant application under Section 482 Cr.P.C. has been for the above quoted main relief.

Learned AGA opposed the instant application. He says that the instant case does not fall within the parameters/guidelines setup by the Hon'ble Apex Court in the case of ***State of Haryana and others vs. Bhajan Lal and others*** reported in ***1992 SCC (Cri) 426***, as such, the present application is not liable to be entertained by this Court.

In response, learned counsel appearing for the applicant says that justice would suffice if liberty is granted to the applicant to prefer a bail application before the court concerned, which may be directed to be decided expeditiously.

To the aforesaid, there is no objection.

Accordingly, the instant application is disposed of with liberty to the applicant to prefer an application for bail, which shall be considered and decided by the court concerned most expeditiously after considering the facts and circumstances of the case as also the law on the subject, by means of reasoned and speaking order.

With the aforesaid, the instant application is ***disposed of*** finally.

Order Date :- 11.12.2023

Arun/-