Court No. - 12

Case :- APPLICATION U/S 482 No. - 12149 of 2023
Applicant :- Ajay Chauhan And Another
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Secrt. Lko. And Another
Counsel for Applicant :- Ambrish Tripathi
Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

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

2. The present application has been filed with a prayer to quash charge-sheet dated 27.07.2023 arising out of Case Crime No.253 of 2023, under Sections 323, 504, 506, 308 I.P.C., Police Station Mankapur, District Gonda as well as summoning order dated 19.08.2023 passed by Additional Judicial Magistrate-I, Gonda in Case No.178/2017.

3. After arguing the matter at some length, learned counsel for the applicants submits that he does not want to press this application on merit and he confines his prayer only to the extent that applicants may be permitted to move bail application, before the court concerned and suitable directions may be issued that same may be heard and decided expeditiously, in accordance to law.

4. Learned A.G.A. has no objection in grant of aforesaid prayer.

5. 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.

6. 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".***

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

8. 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 Kamlendra 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.

9. 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.

10. 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.

11. 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.

12. 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.

Order Date :- 14.12.2023
V. Sinha

Digitally signed by :-
VAISHALI SINHA
High Court of Judicature at Allahabad,
Lucknow Bench