2026:AHC-LKO:39671

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

APPLICATION U/S 528 BNSS No. - 2279 of 2026

Santosh Kumar @ Santosh And 3 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Home Lko. And Another

.....Opposite Party(s)

Counsel for Applicant(s) : Ajay Deep Verma, Arvind Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicants, learned AGA for the State and perused the record.

Instant application has been filed with the prayer to quash the impugned Charge Sheet / Final Report No. 01 (139/2025) dated 01.05.2025 submitted under Section 193 BNSS in FIR / Crime No. 144/2025, P.S. Ghughter, District Barabanki. It has further been prayed to quash the impugned Cognizance and Summoning Order dated 14.07.2025 passed by the learned Additional Chief Judicial Magistrate, Court No. 48, Barabanki in Case No. 738/2025 (State vs. Santosh Kumar and Others).

Learned counsel appearing for the applicants submits that the applicants are innocent and were never involved in committing the offence as has been mentioned in the first information report. He added that due to enmity, their names have been planted in the first information report and thereafter they have been chargesheeted. He next added that due to unavoidable circumstances, they could not appear before the trial court.

At this stage, learned counsel for the applicants submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court's judgment in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (2022)10 SCC 51.**

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

On due consideration to the submissions of learned counsel for the parties', it is provided that in case, the applicants appear before the trial court within two weeks from today and file bail application, the same shall be decided expeditiously in view of law laid down in the case of

Satender Kumar Antil (supra).

Further, the applicants will have an opportunity at the appropriate stage to move an application for discharge taking therein all the pleas factual and legal which may be available to them, in accordance with law. In case, such an application is moved before the learned trial court, the learned trial court shall dispose of the same by a speaking and reasoned order strictly, in accordance with law.

The application is **disposed of** accordingly.

(Shree Prakash Singh,J.)

May 29, 2026
AKS

Digitally signed by :-
ANUJ KRISHNA SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench