2026:AHC:208002

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**APPLICATION U/S 528 BNSS No. - 21660 of 2026**

Akash Singh @ Monu

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Applicant(s) | : | Lavkush Kumar Singh |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 77**

**HON'BLE NAND PRABHA SHUKLA, J.**

1. Heard Mr. Lavkush Kumar Singh, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 BNSS has been filed with a prayer to quash the charge-sheet dated 09.05.2025 along with impugned cognizance order dated 07.07.2025 as well as entire criminal proceeding of Case No.673 of 2025 (State Vs. Akash Singh @ Monu Singh) arising out of Case Crime No.40 of 2025 ,under Sections 326(F) of B.N.S., Police Station-Newadhiya, District-Jaunpur, pending in the court of learned Additional Chief Judicial Magistrate, IIIrd, Jaunpur.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and no evidence in support of the alleged incident of arson has been recovered.

4. From the perusal of the material on record and looking into the facts of the case, at this stage, it cannot be said that no offence is made out against the applicant. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court. Only in cases where the Court finds that there has been failure of justice or abuse of procedure, this power may be exercised to prevent the abuse of process to secure the ends of justice.

5. Accordingly, prayer for quashing is declined.

6. In case, the applicant is not on bail, it is directed that if the applicant appears or surrenders through counsel before the Trial Court and makes an application for bail within 45 days from the date of the order, the same shall be considered and disposed of expeditiously, after giving opportunity to the other side.

7. Further, it is provided that in case the applicant moves an application for discharge at an appropriate stage through counsel, the same shall be disposed of by the Trial Court by a reasoned and speaking order in accordance with law within six weeks thereafter.

8. For a period of 45 days or till the disposal of the discharge application, whichever is earlier, no coercive measures shall be taken against the applicant in the aforesaid case.

9. With the aforesaid direction, this application is ***disposed of.***

**(Nand Prabha Shukla,J.)**

**October 5, 2026**
Radhika

Digitally signed by :-
RADHIKA VISHWAKARMA
High Court of Judicature at Allahabad