HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 35617 of 2026

Dayashankar

.....Applicant(s)

Versus

State Of U.P. Through Its Principal Secretary Home U.P. Lucknow And Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Sadab Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mohammad Sadab Khan, 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 allow this application and quash the impugned charge-sheet dated 21.01.2026 submitted in Case Crime No. 303 of 2026, under Sections 419, 420, 467, 468, 471, 120-B of I.P.C., Police Station-Kotwali Kalpi, District-Jalaun, as well as the impugned cognizance/summoning order dated 22.01.2026 passed by the learned Judicial Magistrate, Kalpi, Jalaun in Case No. 37 of 2026, State of U.P. Versus Dharmendra Saxena & Others, together with all consequential proceedings.

3. Learned counsel for the applicant submits that applicant is not named in the FIR and his name has been surfaced in the second confessional statement of co-accused Sandeep Singh @ Sandeep Thakur.

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.

October 23, 2026
Puspendra

(Nand Prabha Shukla,J.)

Digitally signed by :-
PUSPENDRA NARAYAN SINGH
High Court of Judicature at Allahabad