HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 45186 of 2026

Yashwant Singh And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Neeraj Kumar Singh, Shashi Kumar Dwivedi

Counsel for Opposite Party(s) : G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Ms. Neha, learned counsel for applicants and learned AGA for State.

3. Present application has been preferred with prayer to quash charge sheet dated 21.2.2026, cognizance order dated 02.09.2026 along with entire proceeding of Criminal Case no.2530 of 2026 (State Vs. Yashwant Singh and others) arising out of Case Crime no. 139 of 2025, under sections 115(2), 109(1), 3(5) BNS, PS- Shahabganj, District Chandauli, pending in the court of Additional Chief Judicial Magistrate, Chakiya, Chandauli.

4. On perusal of the narration of FIR as well as impugned order and chargesheet, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present application, on the basis of which, impugned order, chargesheet and entire proceeding, can be set aside.

5. Accordingly, the prayer sought through the instant application, is refused.

6. Lastly, learned counsel for applicants submitted that in respect of the injuries sustained by the injured which are reported and examined by concerned doctor are not fatal or amounting to attract of Section 307 IPC, i.e. Section 109 BNS but the charge sheet has been preferred in pursuance

of the said section, hence applicants be atleast permitted to prefer discharge application before learned court concerned raising the same ground therein.

7. Learned AGA for State although opposed prayer sought through instant application but showed his agreement only to the extent of permitting applicants to prefer discharge application which shall be decided by learned court concerned in accordance with law.

8. Since the legal issue has been raised by learned counsel for the applicants and as such process to issue notice to opposite party no.2 is hereby dispensed with.

9. Be that as it may, without interfering into the merits of the matter, instant application u/s 528 BNSS stands **disposed of** with liberty to applicants to prefer discharge application within 15 days, raising the aforementioned ground regarding implication of applicants in pursuance to Section 109 BNS and if the discharge application be preferred, the same shall be decided by learned court concerned strictly in accordance with law with reasoned and speaking order.

10. It is made clear that this Court has not expressed any opinion on the merits of the case, which shall be decided independently by the learned Trial Court in accordance with law.

November 2, 2026
Ashish/-

(Saurabh Srivastava,J.)

Digitally signed by :-
ASHISH KUMAR SINGH
High Court of Judicature at Allahabad