2026:AHC:227185-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 26073 of 2026

Naeem And 4 Others

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Parth Shukla, Vivek Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Heard Mr. Vivek Singh, the learned counsel for petitioners and the learned A.G.A. for State/respondents 1 and 2.

2. Perused the record.

3. At the very outset, the learned counsel for petitioners fairly submits that due to inadvertence, the first informant has not been impleaded as a party respondent in present writ petition. According to the learned counsel for petitioners, it is by now well settled that in writ petition challenging the FIR, the first informant is a necessary and proper party. Since present writ petition has been filed challenging an FIR lodged by first informant and the first informant has not been impleaded as party respondent in present writ petition, therefore, present writ petition suffers from the vice of non-joinder of necessary and proper party. On the above premise, the learned counsel for petitioners submits that he be permitted to implead the first informant as a party respondent in present writ petition.

4. Prayer made by learned counsel for petitioners is bona fide.

5. Learned A.G.A. representing State-respondents has no objection to the prayer prayed for by the learned counsel for the petitioners.

6. In view of above, the learned counsel for petitioners is permitted to implead the first informant as a party respondent in the cause title of the writ petition as well as stay application during course of the day.

7. Petitioners-Naeem and four others have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated

03.08.2026 lodged by first informant/respondent-3 Atif and registered as Case Crime No. 305 of 2026, under Sections 191(2), 191(3), 115(2), 352, 351(3), 131 of BNS, 2023, Police Station Parikshitgarh, District Meerut.

8. On the matter being taken up, the learned A.G.A. representing State-respondents 1 and 2 submits that in the incident giving rise to criminal proceeding, one person has sustained injury on his person. Since there is an injured eyewitness of the occurrence in question, therefore, the happening is prima facie proved. It is thus urged by the learned A.G.A. that no interference is warranted by this court in present writ petition.

9. When confronted with above, the learned counsel for petitioners submits that interest of justice shall better be served, in case, a direction is issued by this Court to Court below to decide the bail application of the petitioners in the light of law laid down by the Apex Court in **Satender Kumar Antil vs. Central Bureau of Investigation and another, (2021) 10 SCC 773.**

10. Learned A.G.A. for State-respondents 1 and 2 has no objection to the prayer made by the learned counsel for petitioners.

11. In view of above, the prayer prayed for by means of present writ petition is refused.

12. Having heard the learned counsel for petitioners, the learned A.G.A. representing State-respondents 1, and 2, upon perusal of the record and considering the rival submissions urged by the learned counsel for the parties, this writ petition is **disposed of** with a direction that in case, petitioners appear before Court below alongwith certified copy of this order and apply for bail within a period of two weeks from today, then in that eventuality, their bail applications shall be considered by Court concerned in the light of law laid down by Apex Court in the case of **Satender Kumar Antil (Supra).**

13. Interim order, if any, stands discharged.

November 2, 2026
Monika

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

Digitally signed by :-
MONIKA KESARWANI
High Court of Judicature at Allahabad