HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 47090 of 2026

Shiv Dayal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Satyanand Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2. This application has been filed by the applicant to quash the summoning and cognizance order dated 27.01.2016 passed by the court of learned Additional Judicial Magistrate Kaksh No.-2, Kanpur Dehat as well as Non-Bailable warrant dated 28.03.2023 arising out of Complaint Case No. 4822 of 2015 (Smt. Anita Pal Vs. Anup Kumar and others) under Sections 323, 504, 506 I.P.C., Police Station Akabarpur, District Kanpur Dehat.

3. Counsel for the applicant submits that earlier the applicant had been released on bail and during trial proceedings he could not appear, therefore, non bailable warrant has been issued against the applicant. The learned counsel for the applicant further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicant expeditiously.

4. Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing the relief as sought for by him on merits and wants to surrender before the concerned court below, he has no objection if the Court grants protection to him for a short period.

5. In view of the above, the relief as sought by the applicant in the instant application is refused.

6. However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within three weeks from today and in case he applies for bail or recall for NBW, the bail application of the applicant shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another,** reported in 2021 SCC Online SC 922.

7. For the period of three weeks from today or till the time of surrender of the applicant before the concerned Court, whichever is earlier, non-bailable warrant dated 28.03.2023 shall be kept in abeyance.

8. With the above observations and directions, the application under Section 528 BNSS is **disposed of.**

(Deepak Verma,J.)

October 27, 2026
Meenu Singh

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