



2026:AHC:62509

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11519 of 2026

Arun Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anoop Kumar, Dileep Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 528 B.N.S.S. has been filed with a prayer to quash the impugned summoning order dated 03.01.2025 as well as entire criminal proceedings of Case No. 09 of 2025 arising out of Case Crime No. 172 of 2024 under Sections 498-A, 323, 506 I.P.C. and 3/4 D.P. Act, Police Station-Hafizganj, District-Bareilly pending in the court of learned A.C.J.M. Court No. 3, Bareilly.
3. From the perusal of the material on record and looking into the facts of the case, at this stage, it cannot be said that prima facie 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 under Section 528 BNSS. Only in cases, where the Court finds that there has been failure of justice or misuse of judicial mechanism or procedure, sentence or order was not correct, this power may be exercised to prevent the abuse of process of miscarriage of justice. Therefore, no interference is required.
4. Accordingly, prayer of the applicants is refused.
5. However, considering the prayer made by learned counsel for the applicant, it is directed that in case the applicant applies for bail before the concerned court within 30 days from today, the same shall be considered and disposed of expeditiously in the light of law laid down by the Apex Court in the case of *Satender Kumar Antil vs. Central Bureau of Investigation and*

another, reported in (2021) 10 SCC 773.

6. For a period of 30 days from today or till the time of applying the bail application before the court concerned, whichever is earlier, no coercive measures shall be taken against the applicant.

7. With the above observations, this application under Section 528 BNSS is *disposed of.*

March 25, 2026
SY

(Nand Prabha Shukla,J.)