

Reserved On:- 16.05.2025

Delivered On:- 28.05.2025

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15885 of 2024

Applicant :- Haribhan Alias Monu Alias Ramakant

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Rathore, Sanjeev Kumar, Shashi Kumar Mishra

Counsel for Opposite Party :- G.A., Narendra Singh

Hon'ble Siddharth, J.

1. Heard Sri Kamal Krishna, learned Senior Counsel assisted by Sri Rakesh Kumar Rathore, learned counsel for the applicant; Sri Harish Chandra Shukla, learned counsel for the informant; learned A.G.A for the State and perused the material placed on record.

2. There are allegations in the F.I.R that the informant is having old enmity with co-accused, Harish Chandra and earlier dispute and quarrel has taken between them. On 01.12.2023 at about 5 p.m co-accused, Harish Chandra, armed with *lathi*; co-accused, Akhilesh @ Pappu, armed with country made pistol; co-accused, Ratnesh, armed with country made rifle; co-accused, Rohit @ Titu, armed with country made pistol; applicant, Haribhan @ Monu @ Ramakant, co-accused, Ram Bhan and Monu, armed with country made pistol and hockey, came to the house of informant and started abusing. When the informant protested co-accused, Harish Chandra, exhorted all the co-accused to kill them. Informant ran to save his life inside his house. All the accused fired with intention to kill and the daughter of informant, Julie, suffered gunshot injury. Wife of informant, Bittan Devi and daughter, Poonam, were beaten by legs and fists. On hearing the sound of firing number of people in the village collected.

Daughter of the informant was declared dead while being taken to the hospital.

3. Learned Senior Counsel for the applicant submits that six persons are alleged to have opened fire, but the deceased suffered single fire arm injury. The applicant is assigned general role and one of the co-accused, namely, Ratnesh @ Ranvijay Singh, who was also generally implicated and assigned a country made rifle, has already been granted bail vide Criminal Misc. Bail Application No. 11591 of 2024. The role of applicant is similar to the aforesaid co-accused and hence he also deserves to be enlarged on bail. The applicant does not appears to have any previous criminal history.

4. Learned Counsel for the informant, Sri Harish Chandra Shukla, did not replied to the aforesaid arguments raised by the learned Senior Counsel for the applicant and submitted that he wants to make legal and constitutional submissions in this case and may be granted time for the same.

5. This court pointed out that number of adjournments have already been granted to the informant side by this court to the earlier counsel for the informant, Sri Narendra Singh and therefore, no adjournment shall be granted to the counsel for the informant.

6. Counsel for the informant insisted for time, therefore, he was granted liberty to file written submission along with case laws, in case, he wants to file the same and instead of allowing the bail application order was reserved on 16.05.2025.

7. On the next day i.e., on 17.05.2025 learned counsel for the informant, Sri Harish Chandra Shukla, filed the following written

submissions on behalf of informant in the above noted bail application, which is extracted hereinbelow:-

“May please his Lordship !

Written argument, on behalf of informant, opposing the said Criminal Misc. Bail Application No. 15885, follows as under :-

“1. As per case crime version, accused no. 5, Haribhan @ Ashik, initially moved Criminal Misc. Bail Application No. 684 of 2024 in aforesaid case crime, before the learned court of District and Session Judge, Mainpuri, which was rejected, vide order dated 01.04.2024, passed by learned Court of District and Session Judge, Mainpuri.

2. Against the said rejection order dated 01.04.2024, Criminal Misc. Bail Application No. 15885 of 2024, was filed before this Hon'ble Court wherein this Hon'ble Court passed order dated 24.04.2024 followed by various orders like 29.11.2024, 07.05.2025, 12.05.2025, fixing the matter peremptorily on 16.05.2025. The matter was listed as Item No. 25 which was called out to hear the said Bail Application.

3. His goodself of senior Advocate Shri Kamal Krishna, for the bail applicant, Harish Chandra Shukla, informant counsel and Government Counsel for the State, appeared to have their counsel and arguments in the matter.

4. It is his goodself of senior Advocate, Sir, Kamal Krishna, argued six assailants deadly armed with the firearms, disparately are alleged to have opened the fire but without specific and categorical say as to which of them shot the victim dead, causing firearm injury. The Hon'ble Court made query to the counsel of informant to respond the argument so made by said senior Advocate.

5. The counsel for informant responded. Death of victim is true. Victim received firearm injury, it is equally true which caused the death of the victim. It is all in furtherance of common object.

6. On responding as said above, by the counsel for informant this Hon ble Court said, "यह बेवकूफी की बहस है ।" this Hon'ble Court did

not stop here, further repeated and reiterated, “यह बेवकूफी की बहस सुप्रीम कोर्ट में चलती hai, हाईकोर्ट में नहीं ।”

*7. Hearing all this from his Lordship, the counsel for informant went deeply shocked and went filled up with the feeling of dismay. Balancing the equilibrium of body and mind, the counsel for the informant estimated the things to convince this Hon'ble Court with the reference to case of **Veenu Bhai Hari Bhai Malviya and Others Vs. State of Gujrat and Another, (2019)17 SCC, 1** which lays emphasis on the evidence and material collected by just, fair and proper investigation carried on as per provision of The Code of Criminal Procedure, 1973.*

8. This Hon'ble Court and his Lordship did not prove probity and honesty even at this moment to hear the counsel for the informant, on the settled legal position between the provision of The Code of Criminal Procedure, 1973, reading it all with Article 21 of Constitution of India, either it is case with the accused person or with the case of victim. Ultimately the counsel for the informant was not heard on the point so raised, keeping him dissatisfied. Further this Hon'ble Court and his Lordship expressed, “Judgment is reserved” you please! Give the written argument with reference to said legal position with said authority of law.

9. It is all stand of the counsel for the informant that throughout approach of this Hon'ble Court was biased and not honest. It is all belief of the counsel for the informant that this Hon'ble Court consisting of his Lordship is yet not honest in the matter and is wholly biased.

10. Giving the written argument, it is stand of the counsel for the informant that it is no license to an inimical unlawful assembly to kill a person and ridicule at asking the departed victim which of us killed you. It the spirit of the departed soul only which can better reply but no system. It is a comparison between life and liberty of a departed soul and accused person/persons who gave a blow to go departed from this world. It is Article 21 itself which can better reply of it whether accused person's /persons' life and liberty sits above the life and liberty of a departed soul who has ceased to exist bodily in this world.

11. However, arising above all, the case of informant is altogether different. Stand of the informant's case better rests on the evidence and material collected which is true with the concept of just, fair and proper investigation, carried with the spirit of Article 21 of Constitution of India, whereupon even trial is taking place, so the argument of senior Advocate Kamal Krishna, Sir has no reasonable nexus with the evidence and material collected and the legal position settled thereon. It is all baseless argument, bereft of virtue as to grant bail for the applicant, seeking the bail, no plea of false recovery or of false extra judicial confession can be have had at this stage unless a just, fair and proper investigation, so made have been challenged and the same have been kept abeyance to have any effect and operation or the proceeding of the same has been quashed or set-aside.

12. As per version of the FIR, it is case of the informant that six named inimical assailant armed with deadly equipped with firearm opening the same and one named inimical accused person armed with lathi, mounted the door of informant to kill the informant and his family members invading, brooding over an awe full atmosphere with dispersed and stampede surroundings, killing the innocent 25 years aged daughter of informant for no fault of her. There can be no sense of killing such an innocent person full of with youth, standing at doorsill of life to cherish and enjoy. It all compared to dose not permit the accused person/persons to claim for liberty as contemplated under Article 21 of Constitution of India.

13. Rising above all the undersigned counsel, doing the case of the informant, has no faith in this Hon'ble Court consisting of his Lordship for justice.

The totality of the case suggests that a copy of this written argument may be made available to Hon'ble Supreme Court through its Registrar General and equally to Hon'ble Chief Justice of Allahabad High Court through Registrar General of High Court Allahabad.”

The copy of this written argument to :-

- 1. The Registrar General of Hon'ble Supreme Court of India.*
- 2. The Registrar General of Hon'ble High Court of Allahabad.*

Date:- 17.05.2025

H.C. Shukla (Harish Chandra Shukla)
Advocate
AOR-A/H0098/2012
Chamber No. 54, New Building
High Court of Allahabad
Mob:- 9554637943

8. A perusal of the aforesaid written submissions submitted by the learned counsel for the informant shows that he has not given any specific reply to the arguments made by the learned Senior Counsel for the applicant. Rather, he has made allegations against the court that court is biased and dishonest. He has no faith in the court consisting of his Lordship.

9. Before proceeding further a look at the case status of this bail application is required which is as follows :-

Case Status : Search by Case Number

PENDING

Case Status - **CRIMINAL MISC. BAIL APPLICATION (BAIL) - [15885/2024]**

[Diary/Token No.: 5879842024]

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Filing No.	BAIL/81305/2024	Filing Date : 16-04-2024
CNR	UPHC052184062024	Date of Registration : 20-04-2024

Case Status

First Hearing Date	24th April 2024
Next Hearing Date	
Coram	
Bench Type	Single Bench
Causelist Type	Daily Cause List
State	UTTARPRADESH
District	MAINPURI

Petitioner/Respondent and their Advocate(s)

Petitioner	Respondent
1. HARIBHAN ALIAS MONU ALIAS RAMAKANT Advocate - SANJEEV KUMAR(A/S2289/2013),RAKESH KUMAR RATHORE(A/R0642/2012),SHASHI KUMAR MISHRA(A/S0926/2012)	1. State of U.P. Advocate - G.A.(GA/2012),NARENDRA SINGH(A/N0094/2012),HARISH CHANDRA SHUKLA(A/H0098/2012)

Acts

Under Act(s)	Under Section(s)
Arms Act, 1959	27,3,25
I. P. C. 1860	506,147,149,148,323,302,504

Category Details

Category	APPLICATION (401500)
Sub Category	401508-U/s 439 Cr.P.C. for bail (major) (401508)

Crime Details

District	: MAINPURI
Police Station	: AUNCHHA
Crime No.	: 265
Year	: 2023

Listing History

Cause List Type	Hon'ble Mr./Ms./Dr. Justice \ In chamber of Registrar(s)/Jt. Registrar(s)	Listing Date	Short Order
Additional/ Unlisted List-2	HON’BLE JUSTICE SIDDHARTH	28-05-2025	Not before me
Daily Cause List	HON’BLE JUSTICE SIDDHARTH	16-05-2025	Judgment Reserved
Daily Cause List	HON’BLE JUSTICE SIDDHARTH	12-05-2025	Date Fixed ,Premptorily
Daily Cause List	HON’BLE JUSTICE SIDDHARTH	07-05-2025	Date Fixed ,Premptorily,Top Ten Cases
Daily Cause List	HON’BLE JUSTICE SAMEER JAIN	17-04-2025	PO
Daily Cause List	HON’BLE JUSTICE SAMEER JAIN	09-04-2025	PO
Daily Cause List	HON’BLE JUSTICE SAMEER JAIN	03-04-2025	PO
Daily Cause List	HON’BLE JUSTICE SAMEER JAIN	26-03-2025	PO

Cause List Type	Hon'ble Mr./Ms./Dr. Justice \ In chamber of Registrar(s)/Jt. Registrar(s)	Listing Date	Short Order
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	19-03- 2025	PO
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	10-03- 2025	Left Over
Daily Cause List	HON'BLE JUSTICE SAMEER JAIN	03-03- 2025	Left Over
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	21-02- 2025	PO
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	07-02- 2025	PO
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	29-11- 2024	Week Commencing
Additional/ Unlisted List-1	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	04-10- 2024	PO
Daily Cause List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	20-09- 2024	PO
Additional/ Unlisted List-1	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	06-09- 2024	PO
Daily IA List	HON'BLE JUSTICE AJAY BHANOT	12-08- 2024	
Daily Cause List	HON'BLE JUSTICE AJAY BHANOT	12-07- 2024	PO
Fresh List	HON'BLE JUSTICE Dr. GAUTAM CHOWDHARY	24-04- 2024	Date Fixed

10. It is clear from the above status report that this bail application is pending since 20.04.2024. The informant earlier engaged Sri Narendra Singh, Advocate as his counsel who avoided hearing of the application from 24.04.2024 to 07.05.2025. When this court on the request of counsel for the applicant directed the application to be listed peremptorily on 12.05.2025, Sri Harish Chandra Shukla, Advocate appeared on 12.05.2025 and filed his vakalatnama on behalf of informant. He stated that he is not prepared and the matter was adjourned on his request for 16.05.2025. Counsel for the applicant requested that let the matter be listed peremptorily again since on the next date again informant's counsel may not appear or file his illness slip to get the case adjourned, hence the case was listed peremptorily on 16.05.2025 among top-10 cases.

11. On 16.05.2025 again the counsel for informant was not willing to argue and reply to the arguments of the learned Senior Counsel for the applicant as stated earlier hence the order was reserved granting liberty to the counsel for the informant to file written submissions, if any.

12. After considering the written submissions of the learned Counsel for the informant and his conduct, this court finds that the allegations made by learned counsel for the informant against court require consideration by Division Bench of the court, hearing criminal contempt matters. Therefore, the registry of this court is directed to place the record of this case before the appropriate court for initiating proceedings of criminal contempt against Sri Harish Chandra Shukla, Advocate as per section 15 of the Contempt of Courts Act within a week.

13. The Bar Council of Uttar Pradesh is also directed to consider the conduct of the counsel for the informant and decide, after hearing him, whether conduct of Sri Harish Chandra Shukla, Advocate is in consonance with code of conduct for the lawyers in court. Registry of this court will supply the required documents to the Bar Council of U.P within a week.

14. Written submissions of counsel for the informant, Sri Harish Chandra Shukla, are kept in envelope in the court file. Office will not misplace the same from the file.

15. The bail application is released.

16. Put up this bail application before appropriate Court after obtaining nomination from Hon'ble The Chief Justice.

Order Date :- 28.05.2025
Rohit