



2026:AHC-LKO:19360

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**APPLICATION U/s 482 No. - 970 of 2026**

Mohar Singh

.....Applicant(s)

Versus

State of U.P. Thru. Prin. Secy. Home Lko. and another

.....Opposite Party(s)

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| Counsel for Applicant(s)      | : Prachish Pandey, Prabhat Singh |
| Counsel for Opposite Party(s) | : G.A., Ajit Singh, Vasu Lavania |

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**Reserved on: 16.02.2026  
Pronounced on: 17.03.2026**

**Court No. - 14**

**HON'BLE RAJEEV SINGH, J.**

1. Heard Sri Prachish Pandey, Advocate assisted by Sri Suyash Dwivedi, learned counsel for the applicant, Sri Vivek Gupta, learned A.G.A. for the State and Sri Vasu Lavania, learned counsel for the respondent no.2.

2. This application has been filed with the following prayer:-

*"To set-aside the order dated 17.01.2026 passed by the learned Court of Addition Session Judge, Court No. XIX, Lucknow in Session Trial No. 81/2023 arising out of Case Crime No. 15 of 2021 (State vs Akhand Pratap Singh and others) under Sections 120-B, 302, 307, 34, 212, 176 I.P.C. at P.S. Vibhuti Khand District Lucknow."*

**3.** Learned counsel for the applicant has submitted that in the year 2012, Sarvesh Singh @ Seepu, former Member of Legislative Assembly and his gunners were shot by three assailants, as a result of which, F.I.R. No. 348 of 2012 was registered. The investigation of the aforesaid case was transferred to Central Bureau of Investigation and after investigation, charge-sheet was submitted against main conspirator, namely, Kuntu Singh @ Dhruv Singh. One Ajit Singh was the key witness of the aforesaid case, who was a hardened criminal, having criminal antecedent of 74 criminal cases.

**3.1.** It has further been submitted that said Ajit Singh was being threatened by Guntu Singh and his associates to become hostile in the aforesaid murder case, but Ajit Singh denied for the same, due to which, he was eliminated on 06.01.2021. Learned counsel for the applicant has submitted that in the said incident, the applicant also received serious gunshot injuries. Thereafter, F.I.R. No. 15 of 2021 u/s 120-B, 302, 307 r/w 34 I.P.C., Police Station- Vibhuti Khand, Lucknow was lodged on 07.01.2021, in which, charge-sheet was submitted against accused person on 05.04.2021. Later on, a supplementary charge-sheet was also submitted on 04.02.2022. However, since the applicant and the family members of late Ajit Singh were not satisfied with the investigation, a writ petition, i.e, Crl. Misc. Writ Petition No. 25544 of 2021 was filed by Smt. Ranoo Singh w/o late Ajit Singh before this Court, which was dismissed vide order dated 30.11.2022. The said order was challenged before Hon'ble Supreme Court in S.L.P. (Crl.) No. 12751 of 2022, in which, the order passed by the Writ Court dated 30.11.2022 was set aside and the matter was remitted to the High Court vide order dated 02.04.2024 to decide the matter within 6 months.

**3.2.** It has next been submitted that Smt. Ranoo Singh filed writ petition, i.e., Crl. Misc. Writ Petition No. 3180 of 2024 before this Court, but the same could not be decided. Thereafter, she again approached Hon'ble Supreme Court by way of filing Misc. Application No. 428 of

2025, which was disposed of by means of the order dated 21.03.2025 requesting the High Court that the matter be decided within three months. Later on, in the aforesaid writ petition, the writ Court directed the authorities to place the status report of the investigation. However, Mrs. Ranoo Singh filed an application for withdrawal of the Writ Petition No. 3180 of 2024.

**3.3.** Submission of learned counsel for the applicant is that Smt. Ranoo Singh became hostile before assailants and the aforesaid withdrawal application is nothing but an outcome of extreme pressure mounted by the accused persons on the wife of the deceased. Ultimately, the aforesaid writ petition was dismissed as withdrawn vide order dated 23.04.2025.

**3.4.** It has also been submitted by learned counsel for the applicant that one Rajesh Singh, family member of late Ajit Singh, filed a writ petition, i.e., Writ Petition (Crl.) No. 201 of 2025 before Hon'ble Supreme Court with a prayer to transfer the investigation of F.I.R. No. 15 of 2021 (supra) to C.B.I., which was decided with the liberty to move fresh petition before this Hon'ble Court. Thereafter, Rajesh Singh filed writ petition, i.e, Crl. Misc. Writ Petition No. 4791 of 2025 before this Court, which was dismissed vide order dated 18.12.2025.

**3.5.** Submission of learned counsel for the applicant is that on the basis of report submitted by the C.B.I., the charge was framed by trial Court, and thereafter, six prosecution witnesses were examined. In the meantime, it came into notice that Smt. Ranoo Singh, Rana Pratap Singh and Savita Singh @ Shweta Singh (prosecution witnesses) were under threat of accused persons, due to which, they were not supporting the prosecution case, hence, Public Prosecutor as well as complainant moved application before trial Court to discharge the aforesaid three witnesses. However, Smt. Ranoo Singh filed objection to the discharge

application, which was rejected by the trial Court in mechanical manner by means of impugned order dated 17.01.2026.

**3.6.** Relying on the judgment of Hon'ble Supreme Court in the case of *Mohanlal Shamji Soni Vs. Union of India and another* reported in *AIR 1991 SC 1346*, *Masalti vs. State of U.P.* reported in *1965 AIR 202*, and the judgment of this Court in the case of *Ajmer vs. State of U.P.* reported in *Application u/s 482 No. 19804 of 2020*, learned counsel for the applicant has submitted that it is the bounden duty of trial Court to ensure that fair trial be conducted and in case there is a possibility that any witness, whose name is in the charge-sheet, is in association with accused, then he should not be examined despite the material placed before trial Court. Thus, the submission is that the trial Court wrongly rejected the said application, hence, indulgence of this Court is necessary.

**4.** Sri Vivek Gupta, learned A.G.A., while opposing the prayer of the applicant, has submitted that it is a choice of the prosecution to produce witnesses and in case any witness becomes hostile before the Court concerned, sufficient opportunity will be given to the prosecution to cross-examine the said witness, but no application for discharge of witness is maintainable, therefore, there is no illegality in the impugned order.

**5.** Sri Vasu Lavania, learned counsel for the private respondent has submitted that the allegation, which is made by the applicant that the private respondent is under the pressure of the accused persons, is totally unfounded. He has vehemently submitted that learned trial Court has rightly rejected the said application of the applicant. He has also submitted that in case any witness is not called by the prosecution, it is always open to the Court to call such witness as a court witness.

6. Considering the submissions of learned counsel for the applicant, learned A.G.A., learned counsel for the private respondent and going through the contents of the application, impugned order, judgements relied by the applicant's counsel as well as other relevant documents, it is undisputed fact that the investigation of the crime in question was conducted by C.B.I. and after collecting sufficient evidence, the charge-sheet was submitted against some persons and the trial was proceeded. Admittedly, six witnesses have already been examined including the applicant, who is an injured witness. It is well settled that it is a domain of the prosecution to produce the witnesses according to their choice to prove the guilt of the accused persons and in case the prosecution is not willing to produce any witness, the Court will not compel to prosecution for the same, until and unless, it thinks fit that the said witness be called as a Court witness in the interest of justice.

6.1. In view of the above observations, the application, being misconceived, is **dismissed**.

7. The trial Court is directed to conclude the trial in accordance with law, expeditiously.

**(Rajeev Singh,J.)**

**March 17, 2026**

Arpan