OFFICE OF THE DISTRICT JUDGE, PRAYAGRAJ.

ADMIN. ORDER NO. 225 **Dated: March 25 ,2026**

ORDER

While enclosing herewith a pdf copy of **Judgment/Order dated 30.01.2026** passed by **Hon'ble High Court of Judicature at Allahabad in Criminal Misc. Bail Application No. 45637 of 2025 titled Raju Alias Rajkumar Vs. State of U.P.** vide Hon'ble High Court's Letter No. **3688/Admin. G-II Dated 24.03.2026**, it has been communicated that during the course of hearing of aforesaid case, Hon'ble Court vide order dated **30.01.2026** has expressed serious concern that the guidelines of the Apex Court laid down in case of **People's Union for Civil Liberties(PUCL) and another Vs. State of Maharashtra; (2014) 10 SCC 635**, are not being substantially complied with by the several police officers. Some police officers, who are part of police team involved in police encounter, just to get out of turn promotion or appreciation from the higher authority or to get fame in social media unnecessarily used fire arm and **caused fire arm injury on the leg of the accused just below the knee.** Accordingly, **the Court has issued certain guidelines in the case of grievous injury to the accused in Police encounters.**

II. In compliance of Hon'ble Court's above directions, following order is being passed with immediate effect:

(a) The System Officer is directed to provide a soft/pdf copy of **Order/judgment dated 30.01.2026** passed by the **Hon'ble High Court** in the aforementioned Criminal Misc. Bail Application as well as Hon'ble High Court's Letter No. **3688/Admin. G-II Dated 24.03.2026** to all the Judicial Officers working under control of undersigned for information & strict compliance in letter & spirit.

(b) A hard-copy of above mentioned Order dated **30.01.2026** passed by the **Hon'ble High Court** in the aforementioned Criminal Misc. Bail Application as well as Hon'ble High Court's Letter No. **3688/Admin. G-II Dated 24.03.2026** be also circulated among all the Judicial Officers working under control of undersigned for information & strict compliance in letter & spirit.

(c) In compliance of order/judgement dated 12.08.2025 passed by Hon'ble High Court in Crl. Misc. Application u/s 528 BNSS No. 6400 of 2025 titled Smt. Bacchi Devi Vs State of UP And Another, a meeting of all Judicial Officers of the Judgeship is convened on **02.04.2026** at **4.35 PM**, in the **Meeting Hall,** situated at the II-Floor of Newly constructed 24-Court Room Building of District Court Prayagraj for discussion and deliberation regarding compliance of **Judgement dated 30.01.2026** passed by **Hon'ble High Court in Criminal Misc. Bail Application No. 45637 of 2025 titled Raju Alias Rajkumar Vs. State of U.P.,** All the Judicial Officers of the Judgeship are directed to participate in the said meeting.

Inform all concerned for strict compliance.

25.3.2026

(**Satya Prakash Tripathi**)
District & Sessions Judge
Prayagraj.

Dated: March 25 ,2026

Through e-mail

From,

Manjeet Singh Sheoran, HJS
Registrar General
High Court of Judicature at,
Allahabad

To,

All the District and Sessions Judges/OSD
All the Principal Judges, Family Courts
All the Presiding Officers of Commercial Courts, MACTs & LARRAs
State of Uttar Pradesh

No. 3688 **/Admin G-II** **Dated** 24/03/**2026**

Sub: **Compliance of the order dated 30.01.2026 passed by this Hon'ble Court in Criminal Misc. Bail Application No. 45637 of 2025, Raju Alias Rajkumar V/s State of U.P.**

Madam/Sir,

During the course of hearing of aforesaid case, this Hon'ble Court vide order dated **30.01.2026 (pdf copy enclosed)** has expressed serious concern that the guidelines of the Apex Court laid down in case of **People's Union for Civil Liberties (PUCL) and another Vs State of Maharashtra; (2014) 10 SCC 635,** are not being substantially complied with by the several police officers. Some police officers, who are part of police team involved in police encounter, just to get out of turn promotion or appreciation from the higher authority or to get fame in social media unnecessarily used fire arm and **caused fire arm injury on the leg of the accused just below the knee.** Accordingly, **the Court has issued certain guidelines in the case of grievous injury to the accused in Police encounters.**

In this regard, I am directed by Hon'ble Court to send the **pdf** copy of the aforesaid order dated **30.01.2026** passed by Hon'ble Court to your goodself for onward circulation of the same amongst all the Judicial Officers of your judgeship for their information and strict compliance.

Encl:- As above

With Regards,

Yours faithfully,

23.3.26

Registrar General

No. **/Admin G-II** **Dated** **/2026**

copy to **The Director, Judicial Training and Research Institute,** U.P., Lucknow for information.

Registrar General

2026:AHC:21111

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45637 of 2025

Raju Alias Rajkumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kusum Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Kusum Mishra, learned counsel for the applicant and Sri Anoop Trivedi, learned AAG assisted by Sri Pankaj Saxena as well as Sri D.P.S. Chauhan, learned A.G.A. for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.344 of 2025, under Sections 305(a), 331(4), 317(2) BNS, Police Station- Kotwali Dehat, District Mirzapur.

3. This matter was heard on 28.01.2026. On that date, following order was passed;

"1. Heard Ms. Kusum Mishra, learned counsel for the applicant, Sri Pankaj Saxena, learned A.G.A. for the State and perused the record.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.344 of 2025, under Sections 305(a), 331(4), 317(2) BNS, Police Station- Kotwali Dehat, District Mirzapur.

3. Upon perusal of the F.I.R., this Court found that the matter pertains to a police encounter in which the applicant sustained grievous injuries. Thereafter, vide order dated 13.01.2026, this Court directed the learned A.G.A. to seek instructions in compliance with the judgment of the Hon'ble Apex Court in People's Union for Civil Liberties (PUCL) and another vs. State of Maharashtra, (2014) 10 SCC 635, specifically as to whether any F.I.R. has been registered in respect of the police encounter and whether the statement of the injured has been recorded before a Magistrate or any Medical Officer.

4. Today, the learned A.G.A. produced instructions indicating that an F.I.R. in respect of the police encounter has been registered as Case Crime No. 0343 of 2025 at Police Station Lalganj, District Mirzapur. However, it is admitted that the statement of the injured has neither been recorded before the Magistrate nor by any Medical Officer. Further, in the F.I.R. for the incident of police encounter, the Investigating Officer has been shown as a Sub-Inspector, though it has been informed that subsequently an Inspector has been appointed as the Investigating Officer in the said case.

5. From a perusal of the directions issued by the Hon'ble Apex Court in People's Union for Civil Liberties

(PUCL) and another (supra), it is clear that in the event of a police encounter in which the accused sustains grievous injuries, an F.I.R. must be registered forthwith and the investigation should be conducted either by the CBCID or by the police of another police station, and in any case by a police officer of a rank senior to the head of the police party involved in the encounter. Para 31 of PUCL's case is being quoted as under;

31. In the light of the above discussion and having regard to the directions issued by the Bombay High Court, guidelines issued by NHRC, suggestions of the appellant PUCL, amicus curiae and the affidavits filed by the Union of India, the State Governments and the Union Territories, we think it appropriate to issue the following requirements to be followed in the matters of investigating police encounters in the cases of death as the standard procedure for thorough, effective and independent investigation:

31.1. Whenever the police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, it shall be reduced into writing in some form (preferably into case diary) or in some electronic form. Such recording need not reveal details of the suspect or the location to which the party is headed. If such intelligence or tip-off is received by a higher authority, the same may be noted in some form without revealing details of the suspect or the location.

31.2. If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay. While forwarding the report under Section 157 of the Code, the procedure prescribed under Section 158 of the Code shall be followed.

31.3. An independent investigation into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer (at least a level above the head of the police party engaged in the encounter). The team conducting inquiry/investigation shall, at a minimum, seek:

(a) To identify the victim; colour photographs of the victim should be taken;

(b) To recover and preserve evidentiary material, including bloodstained earth, hair, fibres and threads, etc. related to the death;

(c) To identify scene witnesses with complete names, addresses and telephone numbers and obtain their statements (including the statements of police personnel involved) concerning the death;

(d) To determine the cause, manner, location (including preparation of rough sketch of topography of the scene and, if possible, photo/video of the scene and any physical evidence) and time of death as well as any pattern or practice that may have brought about the death;

(e) It must be ensured that intact fingerprints of deceased are sent for chemical analysis. Any other fingerprints should be located, developed, lifted and sent for chemical analysis;

(f) Post-mortem must be conducted by two doctors in the district hospital, one of them, as far as possible, should be incharge/head of the district hospital. Post-mortem shall be videographed and preserved;

(g) Any evidence of weapons, such as guns, projectiles, bullets and cartridge cases, should be taken and preserved. Wherever applicable, tests for gunshot residue and trace metal detection should be performed.

(h) The cause of death should be found out, whether it was natural death, accidental death, suicide or homicide.

31.4. A magisterial inquiry under Section 176 of the Code must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to the Judicial Magistrate having jurisdiction under Section 190 of the Code.

31.5. The involvement of NHRC is not necessary unless there is serious doubt about independent and impartial investigation. However, the information of the incident without any delay must be sent to NHRC or the State Human Rights Commission, as the case may be.

31.6. The injured criminal/victim should be provided medical aid and his/her statement recorded by the Magistrate or Medical Officer with certificate of fitness.

31.7. It should be ensured that there is no delay in sending FIR, diary entries, panchnamas, sketch, etc. to the court concerned.

31.8. After full investigation into the incident, the report should be sent to the competent court under Section 173 of the Code. The trial, pursuant to the charge-sheet submitted by the investigating officer, must be concluded expeditiously.

31.9. In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.

31.10. Six-monthly statements of all cases where deaths have occurred in police firing must be sent to NHRC by DGPs. It must be ensured that the six-monthly statements reach to NHRC by 15th day of January and July, respectively. The statements may be sent in the following format along with post-mortem, inquest and, wherever available, the inquiry reports: (i) Date and place of occurrence. (ii) Police station, district. (iii) Circumstances leading to deaths: (a) Self-defence in encounter. (b) In the course of dispersal of unlawful assembly. (c) In the course of affecting arrest. (iv) Brief facts of the incident. (v) Criminal case no. (vi) Investigating agency. (vii) Findings of the magisterial inquiry/inquiry by senior officers: (a) disclosing, in particular, names and designation of police officials, if found responsible for the death; and (b) whether use of force was justified and action taken was lawful.

31.11. If on the conclusion of investigation the materials/evidence having come on record show that death had occurred by use of firearm amounting to offence under IPC, disciplinary action against such officer must be promptly initiated and he be placed under suspension.

31.12. As regards compensation to be granted to the dependants of the victim who suffered death in a police encounter, the scheme provided under Section 357-A of the Code must be applied.

31.13. The police officer(s) concerned must surrender his/her weapons for forensic and ballistic analysis, including any other material, as required by the investigating team, subject to the rights under Article 20 of the Constitution.

31.14. An intimation about the incident must also be sent to the police officer's family and should the family need services of a lawyer/counselling, same must be offered.

31.15. No out-of-turn promotion or instant gallantry rewards shall be bestowed on the officers concerned soon after the occurrence. It must be ensured at all cost that such rewards are given/recommended only when the gallantry of the officers concerned is established beyond doubt.

31.16. If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as abovementioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident. Upon such complaint being made, the Sessions Judge concerned shall look into the merits of the complaint and address the grievances raised therein.

6. From the aforesaid facts, it is evident that in the present case, although the applicant sustained grievous injuries in a police encounter, the directions issued by the Hon'ble Apex Court in People's Union for Civil Liberties (PUCL) and another (supra), as further affirmed in the case of Andhra Pradesh Police Officers Association vs Andhra Pradesh Civil Liberties Committee (APCLC) reported in (2022) 16 SCC 514, have not been complied with. The police have neither recorded the statement of the injured before a

Medical Officer or a Magistrate, nor has the investigation of the police encounter been conducted by an officer of a rank higher than the head of the police party involved in the encounter.

7. This Court is frequently confronted with cases where, even in matters involving petty offences such as theft, the police indiscriminately resort to firing by projecting the incident as a police encounter, without following the procedure laid down by the Hon'ble Apex Court in People's Union for Civil Liberties (PUCL) and another (supra). Although this Court recognizes that police personnel also have the right of private defence and may use force in appropriate circumstances, it is well settled that where death occurs or grievous injuries are caused to the accused, the procedure mandated by the Hon'ble Apex Court, as referred to above, must be strictly followed.

8. The Criminal Misc. Bail Application No. 45870 of 2025 and Criminal Misc. Bail Application No. 227 of 2026 are also listed today, the cases likewise pertains to a police encounter in which the applicant sustained grievous injuries. In the bail application no. 45870 of 2025, the In-charge Inspector, Santosh Kumar Singh, who led the police party during the encounter, has himself stated that the bullet fired by him hit the injured applicant. Accordingly, vide order dated 14.01.2026, this Court directed him to appear before the Court and apprise it as to whether any F.I.R. had been registered in respect of the police encounter and whether any investigation had been conducted.

9. Today, the In-charge Inspector, Santosh Kumar Singh, informed the Court that no F.I.R. has been registered in connection with the police encounter and, consequently, no investigation has been conducted. He further apprised the Court that the statement of the injured applicant has not been recorded either before a Medical Officer or a Magistrate.

10. The aforesaid incidents clearly demonstrate non-compliance with the directions issued by the Hon'ble Apex Court in People's Union for Civil Liberties (PUCL) and another (supra) in cases of police encounters where the accused sustains grievous injuries. It is indeed surprising that, despite the directions of the Hon'ble Apex Court in People's Union for Civil Liberties (PUCL) and another (supra) having been duly circulated, the police appear to be either unaware of or indifferent to the said directions.

11. This Court has noticed that the practice of police encounters, particularly firing at the legs of accused persons, has seemingly become a routine feature, ostensibly to please superior officers or to teach the accused a so-called lesson by way of punishment. Such conduct is wholly impermissible, as the power to punish lies exclusively within the domain of the Courts and not with the police. India being a democratic State governed by the rule of law, the functions of the Executive, the Legislature, and the Judiciary are distinct and well defined, and any encroachment by the police into the judicial domain cannot be countenanced.

12. The aforesaid facts indicate that neither has the State Government issued any oral or written direction to police officers to teach a lesson to accused persons by firing at their legs, even in cases involving petty offences, nor can such acts be justified on that basis. On the contrary, it appears that certain police officers may be misusing their authority in order to attract the attention of higher officers or to create an impression of public sympathy by portraying incidents as police encounters involving firing upon the accused.

13. It is pertinent to note, for the sake of clarity, that in the present matters no police officer has sustained any injury, which further calls into question the necessity and proportionality of the use of firearms in the alleged encounters.

14. This Court directs the Additional Chief Secretary (Home) U.P. as well as the Director General of Police, U.P., to appear through video conferencing before this Court at 10:00 a.m. on 30.01.2026 and

inform the Court whether any oral or written directions have been issued to police officers to fire upon accused persons in the legs or otherwise in the name of a police encounter or to ensure compliance with the directions of the Hon'ble Apex Court in People's Union for Civil Liberties (PUCL) and another (supra) regarding registration of F.I.R., recording of statements of injured persons, and investigation by officers senior in rank to the head of the police party in cases resulting in death or grievous injury during police encounters.

15. Put up this case, as fresh, on 30.01.2026 at 10:00 A.M along with bail application nos.45870 of 2025 and 227 of 2026.

16. The Registrar (Compliance) is directed to send a copy of this order to the Additional Chief Secretary (Home), U.P., Lucknow, as well as to the Director General of Police, U.P., Lucknow."

4. In compliance of order dated 28.01.2026, Mr. Sanjay Prasad, Additional Home Secretary, U.P. and Mr. Rajeev Krishna, DGP, U.P. are present before this Court through Video Conferencing. Both of them submitted that DGP Circulars dated 01.08.2017 as well as 11.10.2024 were issued to comply with the direction of the Apex Court in the case of **People's Union for Civil Liberties (PUCL) and another vs State of Maharashtra; (2014) 10 SCC 635** regarding police encounter wherein death or grievous injuries occurred. Both the Officers though tried to persuade that the directions of Apex Court in the **PUCL's case (supra)** are being substantially complied with. When confronted with the fact of present case as well as connected cases, they could not dispute the fact that directions of the Apex Court in **PUCL's case (supra)** are not being substantially complied with by the several police officers though repeated circulars have been issued. Both the above Officers assured that they will issue fresh directions to all the police officers to strictly comply the directions issued in **PUCL's case (supra)** regarding police encounter. They have also assured the Court that whenever required, they will look into the issue and in case any officer found to be negligent in following the procedure prescribed by the Apex Court in **PUCL's Case (supra)** regarding police encounter wherein death or grievous injuries occurred to the accused, will be dealt with strictly.

5. The Apex Court in **PUCL's case (supra)** which further reiterated in the case of **Andhra Pradesh Police Officersr Association vs Andhra Pradesh Civil Liberties Committee (APCLC); (2022) 16 SCC 514** has laid down detailed procedure where the accused died or received grievous injuries in police encounter. The Apex Court has observed that though in the case of death, there is procedure in Criminal Procedure Code for conducting magisterial inquiry but a separate FIR should also be registered regarding police encounter wherein death or grievous injury occurred and investigation should be conducted by CID or by police team headed by an officer above the rank of officer, who was leading the police encounter. For ready reference, paras 31, 32 and 33 of **PUCL's case (supra)** is quoted hereinbelow;

31. In the light of the above discussion and having regard to the directions issued by the Bombay High Court, guidelines issued by NHRC, suggestions of the appellant PUCL, amicus curiae and the affidavits

filed by the Union of India, the State Governments and the Union Territories, we think it appropriate to issue the following requirements to be followed in the matters of investigating police encounters in the cases of death as the standard procedure for thorough, effective and independent investigation:

31.1. Whenever the police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, it shall be reduced into writing in some form (preferably into case diary) or in some electronic form. Such recording need not reveal details of the suspect or the location to which the party is headed. If such intelligence or tip-off is received by a higher authority, the same may be noted in some form without revealing details of the suspect or the location.

31.2. If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay. While forwarding the report under Section 157 of the Code, the procedure prescribed under Section 158 of the Code shall be followed.

31.3. An independent investigation into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer (at least a level above the head of the police party engaged in the encounter). The team conducting inquiry/investigation shall, at a minimum, seek:

(a) To identify the victim; colour photographs of the victim should be taken;

(b) To recover and preserve evidentiary material, including bloodstained earth, hair, fibres and threads, etc. related to the death;

(c) To identify scene witnesses with complete names, addresses and telephone numbers and obtain their statements (including the statements of police personnel involved) concerning the death;

(d) To determine the cause, manner, location (including preparation of rough sketch of topography of the scene and, if possible, photo/video of the scene and any physical evidence) and time of death as well as any pattern or practice that may have brought about the death;

(e) It must be ensured that intact fingerprints of deceased are sent for chemical analysis. Any other fingerprints should be located, developed, lifted and sent for chemical analysis;

(f) Post-mortem must be conducted by two doctors in the district hospital, one of them, as far as possible, should be incharge/head of the district hospital. Post-mortem shall be videographed and preserved;

(g) Any evidence of weapons, such as guns, projectiles, bullets and cartridge cases, should be taken and preserved. Wherever applicable, tests for gunshot residue and trace metal detection should be performed.

(h) The cause of death should be found out, whether it was natural death, accidental death, suicide or homicide.

31.4. A magisterial inquiry under Section 176 of the Code must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to the Judicial Magistrate having jurisdiction under Section 190 of the Code.

31.5. The involvement of NHRC is not necessary unless there is serious doubt about independent and impartial investigation. However, the information of the incident without any delay must be sent to NHRC or the State Human Rights Commission, as the case may be.

31.6. The injured criminal/victim should be provided medical aid and his/her statement recorded by the Magistrate or Medical Officer with certificate of fitness.

31.7. It should be ensured that there is no delay in sending FIR, diary entries, panchnamas, sketch, etc. to the court concerned.

31.8. After full investigation into the incident, the report should be sent to the competent court under Section 173 of the Code. The trial, pursuant to the charge-sheet submitted by the investigating officer, must be concluded expeditiously.

31.9. In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.

31.10. Six-monthly statements of all cases where deaths have occurred in police firing must be sent to NHRC by DGPs. It must be ensured that the six-monthly statements reach to NHRC by 15th day of January and July, respectively. The statements may be sent in the following format along with post-mortem, inquest and, wherever available, the inquiry reports: (i) Date and place of occurrence. (ii) Police station, district. (iii) Circumstances leading to deaths: (a) Self-defence in encounter. (b) In the course of dispersal of unlawful assembly. (c) In the course of affecting arrest. (iv) Brief facts of the incident. (v) Criminal case no. (vi) Investigating agency. (vii) Findings of the magisterial inquiry/inquiry by senior officers: (a) disclosing, in particular, names and designation of police officials, if found responsible for the death; and (b) whether use of force was justified and action taken was lawful.

31.11. If on the conclusion of investigation the materials/evidence having come on record show that death had occurred by use of firearm amounting to offence under IPC, disciplinary action against such officer must be promptly initiated and he be placed under suspension.

31.12. As regards compensation to be granted to the dependants of the victim who suffered death in a police encounter, the scheme provided under Section 357-A of the Code must be applied.

31.13. The police officer(s) concerned must surrender his/her weapons for forensic and ballistic analysis, including any other material, as required by the investigating team, subject to the rights under Article 20 of the Constitution.

31.14. An intimation about the incident must also be sent to the police officer's family and should the family need services of a lawyer/counselling, same must be offered.

31.15. No out-of-turn promotion or instant gallantry rewards shall be bestowed on the officers concerned soon after the occurrence. It must be ensured at all cost that such rewards are given/recommended only when the gallantry of the officers concerned is established beyond doubt.

31.16. If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as abovementioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident. Upon such complaint being made, the Sessions Judge concerned shall look into the merits of the complaint and address the grievances raised therein.

32. The above guidelines will also be applicable to grievous injury cases in police encounter, as far as possible.

33. Accordingly, we direct that the above requirements/norms must be strictly observed in all cases of death and grievous injury in police encounters by treating them as law declared under Article 141 of the Constitution of India.

6. From the above directions issued by the Apex Court in **PUCL's case (supra)**, it is clear that these directions are law of land in view of Article 141 of the Constitution of India and it has to be followed mandatorily by the police and it is the duty of the High Court as well as District Courts to assure the strict implementation of directions of the Apex Court.

7. This Court came across in several cases which *prima facie* shows that some police officers, who are part of police team involved in police encounter, just to get out of turn promotion or appreciation from the higher authority or to get fame in social media unnecessarily used fire arm and caused fire arm injury on the leg of the accused just below the knee. Such act is not permissible in the eyes of law as the power of punishment to accused is within the domain of judiciary and not in the domain of police. India is a democratic country. It has to be run as per the ethos and directions of the Constitution of India which clearly distinguishes role of legislature, executive and judiciary. In the garb of appreciation or for other extraneous purposes, police officers cannot be allowed to take the function of judiciary to punish a criminal by unnecessary firing and causing injuries even on non-vital part.

8. The Universal Declaration of Human Rights (UDHR) has framed general principle on effective prevention and investigation of extra- legal, arbitrary and summary execution. The principle so framed by UDHR are intended to guarantee independence while investigating police killings and help in preventing potential for abuse, corruption, ineffectiveness and negligence in investigation.

9. United nations code of conduct for law enforcement officers (which includes all officers of the law who exercise police power) lays down that in the performance of duty, law enforcement officer shall respect and protect the human dignity and maintain and uphold human rights of all persons. The basic human rights standard for good conduct by law enforcement officers by the amnesty international, inter alia, suggests; (i) do not use force except when strictly necessary and to the minimum extent required under the circumstances, and (ii) do not carry out, order or cover up extra judicial executions or "disappearances", and refuse to obey any order to do so.

10. Article 21 of the Constitution of India provides protection, life and liberty which includes dignity. The same is quoted as under;

"21. Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law."

11. From the above discussion, it is clear that the protection of human life and dignity is not only the object of the Constitution of India but also universal principles accepted by the international community which cannot be allowed to be taken away at the whims and fancies of certain officers of law enforcement agency.

12. Article 141 of the Constitution prescribes the law declared or laid down by the Apex Court would be the law of land and that has to be followed by the Court as well as State and its agency. The Article 141 is quoted as under;

141. Law declared by Supreme Court to be binding on all courts. —The law declared by the Supreme Court shall be binding on all courts within the territory of India.

13. In view of above, it is clear that there is no exception to follow the guidelines issued by the Apex Court in **PUCL's case (supra)** regarding police encounter when death or grievous injuries occurred though extensive guidelines have been mentioned in the aforementioned paragraphs of **PUCL's case (supra).** As the present and connected cases are relating to grievous injury to accused in police encounter, this Court summarily prescribes the guidelines in the case of grievous injury to the accused in police encounter, which are as follows;

i. If in pursuance to any information, police party reached at the spot and encounter takes place wherein fire arm is used by the police party and as a result accused or any other person received grievous injury then an FIR to that effect shall be registered by the head of the police party involved in the police encounter in the same police station or adjoining police station but investigation of said FIR shall be conducted by CBCID or police team of any other police station under the supervision of senior police officer at least one level above the head of police party engaged in the police encounter.

ii. In the FIR, name of the members of police party involved in encounter is not required to be mentioned in the category of accused/suspect but only the team whether STF or regular police could be mentioned.

iii. Injured criminal/victim should be provided medical aid and his/her injury should be examined and thereafter his/her statement should be recorded either by the Magistrate or Medical Officer with certificate of fitness of injured.

iv. After complete investigation into incident of police encounter, report should be sent to the competent court who will follow the procedure as mentioned in the judgement given by the Apex Court in PUCL's case (supra).

v. Out of turn promotion or gallantry award shall not be given to the officer of the police party soon after occurrence of police encounter. It must be ensured that such reward are given or recommended only when gallantry reward of person is established beyond doubt by a committee constituted by the police head.

vi. If the family of the injured in police encounter finds that the above procedure has not been followed or there exists lack of independent investigation or pattern of abuse or impartiality by any of the functionaries then he may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident of police encounter. Upon receiving the said complaint, the concerned Sessions Judge shall look into the merit of the complaint and redress the grievance raised therein.

14. In view of above discussion as well as assurance of the Director General of Police, this Court further directs that in case, it is found that police officer in any

district has not followed abovementioned guidelines of the Apex Court laid down in PUCL's case (supra) regarding police encounter where death or grievous injury occurred, not only the persons who was leading the police team involved in police encounter but District Police Chief whether SP/SSP/Commissionerate Police would be liable for contempt of court apart from disciplinary proceedings instituted by the police department.

15. As the Apex Court has already observed in its guidelines in PUCL's case (supra) that, if any person is aggrieved by non-action regarding death or grievous injuries in police encounter, then he can file an application before the Sessions Judge. Therefore, Sessions Judge may take action on complaint and in appropriate cases may refer the matter to the High Court for initiation of contempt proceedings against District Police Chief where flagrant violation has been reported regarding the aforesaid guidelines of PUCL's case (supra) for police encounter.

16. Coming to the merit of the case, learned counsel for the applicant submitted that he was not named in the FIR. Subsequently on the basis of recovery of certain articles of silver which includes four pairs of anklet, 10 pairs of toe ring, five silver coins, one small statute of Laxmi and Ganesh of white metal he has been falsely implicated though provision of Section 105 BNSS has not been followed by sending pen drive to the concerned magistrate within 48 hours. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has explained the criminal history of three cases in the accompanying affidavit and he is languishing in jail since 30.08.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

17. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

18. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

19. Let the applicant- **Raju @ Rajkumar** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

20. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

21. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

22. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

23. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

24. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

25. **Registrar General** is directed to send a copy of this order to all the District Judges of U.P.

26. During Video Conferencing, this Court finds that setup of Video Conferencing is not working properly, therefore, **Registrar (Computer)** is also directed to arrange new setup of Video Conferencing in this Court forthwith.

January 30, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)

Digitally signed by :-
AJAY KUMAR
High Court of Judicature at Allahabad