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**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

VIKRAM NATH; J., SANDEEP MEHTA; J.

WRIT PETITION (CRIMINAL) NO(S). 109 OF 2026; MARCH 17, 2026

VISHVJEET AND OTHERS *versus* STATE OF UTTAR PRADESH AND ANOTHER

Constitution of India – Article 32 and Article 21 – Right to Legal Representation and Personal Liberty – Transfer of Criminal Case – The Supreme Court deprecated the acts of hooliganism and violence by the District Bar Association, Barabanki, where members passed a resolution to not represent the accused and physically assaulted the office of an advocate who filed a bail application - held that the denial of bail for over two months in a case arising from a trivial scuffle at a toll plaza was unjustified and violative of Article 21 – Noted that denial of bail to the petitioners and the curtailment of their liberty for a period exceeding two months is absolutely unjustified and violative of the Fundamental Right of Liberty guaranteed under Article 21 of the Constitution of India warranting exercise of the extraordinary writ jurisdiction conferred upon this Court by Article 32 of the Constitution of India - To ensure a fair trial and proper legal representation - the Supreme Court directed the immediate release of the petitioners on bail and transferred the proceedings from Barabanki, Uttar Pradesh, to Tis Hazari Courts, New Delhi.

Legal Profession – Professional Misconduct – Supreme Court expressed concern over the "sorry state of affairs" where legal professionals turned into perpetrators of violence - noted that while fraternity among lawyers is understandable, it cannot justify lawlessness or the burning of a colleague's property for defending an accused - The Bar Council of India was directed to take appropriate action against the erring members. [Paras 12-17]

For Petitioner(s): Mr. Md. Asif Iqbal, Adv. Mr. Iqbal Ahmad, Adv. Ms. Sangeeta, Adv. Mr. Atul Kumar Srivastav, Adv. Ms. Anu Priya Nisha Minz, Adv. Mr. Siddhartha Sinha, AOR

For Respondent(s): Mr. Rohit K. Singh, AOR Mr. Pritam Bishwas, Adv. Mr. Kartikey Bansal, ADV.

ORDER

- 1.** The custodians of justice (Members of the District Bar Association, Barabanki) have turned into perpetrators of violence, which has led the petitioners to knock the doors of this Court to protect their Fundamental Rights by way of this writ petition under Article 32 of the Constitution of India.
- 2.** The present writ petition under Article 32 of the Constitution of India, preferred by the petitioners, presents a sorry state of affairs with respect to the conduct of law professionals, particularly in the State of Uttar Pradesh.
- 3.** The petitioners are contractual employees of a company, named, M/s. Skylark Infra Engineering Pvt. Ltd., and are permanent residents of the State of Madhya Pradesh. They were posted for toll collection duty at the Gotona Bara Toll Plaza on the Lucknow Sultanpur Highway, in District Barabanki, Uttar Pradesh.
- 4.** On 14th January, 2026, an advocate, namely, Mr. Ratnesh Shukla¹, allegedly refused to pay the requisite toll charges while passing through the said toll plaza. Consequently, a verbal spat ensued between the complainant and the staff posted at the

¹ hereinafter, being referred to as the 'complainant'

toll plaza, which subsequently escalated into a scuffle. It is alleged that the petitioners, being the employees of the operating company and posted at the toll plaza, assaulted the complainant.

5. An F.I.R., bearing No. 15/2026 came to be registered at P.S. Haidergarh, District Barabanki on 14th January, 2026 at the instance of the complainant for the offences punishable under Sections 115(2), 352, 351(3), 109(1), 110, 311 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. It is the case of the petitioners that the grounds of arrest were not communicated to them at the time of their arrest. The petitioners were thereafter produced before the learned A.C.J.M., Barabanki and were remanded to judicial custody by order dated 16th January, 2026. It is further averred in the writ petition that the remand proceedings do not reflect compliance with the mandatory requirement of communicating the grounds of arrest to the accused persons.

7. It is also stated that, immediately after the registration of the F.I.R., members of the Bar Association started violent protests, as is the usual feature these days. Most notably, what is most unfortunate is that even the Bar Council of Uttar Pradesh joined the fray and addressed a letter to the Hon'ble Chief Minister of Uttar Pradesh requesting invocation of the provisions of National Security Act against the petitioners even though the incident pertained to a trivial scuffle.

8. It is further stated that a resolution was passed and circulated within the local bar to the effect that no advocate would represent the accused persons in connection with the FIR No. 15/2026. Notwithstanding the aforesaid resolution, one advocate, namely, Shri Manoj Shukla, displayed considerable courage and filed a bail application on behalf of the petitioners on 5th February, 2026. Shortly thereafter, the members of the Bar resorted to unruly behaviour and the office furniture of the said advocate was set on fire, and his effigy was also burnt. The news relating to these acts of hooliganism and arson has been published in the local newspapers, and the copies thereof have been annexed with the writ petition. The photographs placed on record clearly depict that the furniture of the advocate was set to fire. The news report of these incidents as published in the 'Dainik Bhaskar' newspaper, Lucknow City Edition dated 6th February, 2026, is reproduced hereinbelow for the sake of ready reference: -

"Dainik Bhaskar"

Lucknow City 06-02-2026

Lawyers burned the belongings of a colleague who had secured bail for the toll employees who assaulted them. A commotion ensued when the lawyer secretly filed a bail application for the accused.

A lawyer versus lawyer dispute erupted between lawyers on Thursday in the Barabanki district court premises.

A massive uproar and arson erupted when it was revealed that an advocate had filed a bail petition for toll workers, going against the Bar Association's collective decision. Hundreds of angry advocates stormed the lawyer's office and set tables and chairs on fire. This incident relates to an assault on an advocate at the Haidergarh toll plaza. Toll workers not only assaulted the advocate but also abused him. Angered by this incident, lawyers from Lucknow and Barabanki launched a major protest.

After which the police sent the accused to jail. On Thursday, lawyers learned that Advocate Manoj Shukla, in violation of the bar's decision, had secretly filed a bail petition for the toll workers in court.

This news heated up the atmosphere. A large group of lawyers, led by District Bar Association President Narendra Verma, arrived at Mr. Manoj's desk. Mr. Manoj was not present, but the lawyers threw his desk and chairs onto the street and set them on fire."

9. The petitioners have submitted that such acts of rampant violence by the members of the bar created an atmosphere of fear, and thereby dissuaded any further attempts to represent the petitioners. Resultantly, no advocate in Barabanki, or even from the nearby places is willing to represent the petitioners and rather attempts made for representation of the petitioners have been specifically denied on account of atmosphere of fear created by the members of Bar.

10. Resultantly, the petitioners having been deprived of access to legal remedies in the State of Uttar Pradesh, have approached this Court by way of the instant writ petition under Article 32 of the Constitution of India, seeking, *inter alia*, a direction to be released on bail and for transfer of the proceedings of the criminal case arising from FIR No. 15/2026 registered at P.S. Haidergarh, District Barabanki to a competent Court in Delhi.

11. Notice has been served on the respondents and Mr. Rohit K Singh, has entered appearance on behalf of the State of Uttar Pradesh.

12. The facts averred in the writ petition have not been denied.

13. In view of the emergent nature of the proceedings, wherein personal liberty of the Company's employees, who were bonafide performing their duties at a toll plaza, has remained curtailed for more than two months, we proceed to hear and decide the writ petition without awaiting the reply of the respondents.

14. The facts noted hereinabove reveal a very sorry state of affairs. The legal profession, which was once regarded as a noble profession, has clearly been tainted and tarnished by the acts of hooliganism perpetrated pursuant to the fracas which took place at the toll plaza on 14th January, 2026. We can understand the sentiment of fraternity amongst the lawyers but that, by no means, can justify the acts of violence and lawlessness which ensued when a brave lawyer came forward to defend the accused. These deplorable acts of hooliganism deserve to be deprecated. The disciplinary body, i.e., the Bar Council of India is expected to take appropriate steps in this regard.

15. A bare perusal of the FIR is sufficient to satisfy us that it was not a case wherein the accused-petitioners could have been denied bail. There is no dispute that the petitioners were performing their duties at the toll plaza where the incident happened. Possibility cannot be ruled out that the complainant may have resisted the attempt of the petitioners in demanding toll (rightly so) resulting into a spat between the complainant and the employees of the toll plaza i.e., the petitioners herein.

16. In these circumstances, denial of bail to the petitioners and the curtailment of their liberty for a period exceeding two months is absolutely unjustified and violative of the Fundamental Right of Liberty guaranteed under Article 21 of the Constitution of India warranting exercise of the extraordinary writ jurisdiction conferred upon this Court by Article 32 of the Constitution of India.

17. Resultantly, we hereby direct that the petitioners shall forthwith be released on bail, upon furnishing **personal bonds** to the satisfaction of the concerned Magistrate. In order to ensure that the accused get proper legal representation and a fair trial, we direct that the proceedings arising out of the FIR No.15/2026 shall stand transferred to the Tis Hazari Courts, New Delhi, for all further actions, i.e., remand, filing of result of investigation, and

trial. Upon the case file being received in the jurisdictional Court at Tis Hazari Courts, New Delhi, the trial Court may set appropriate additional conditions for bail.

18. The Director General of Police, Uttar Pradesh shall be responsible for the safety and security of the petitioners, and shall ensure that upon their release on bail, the petitioners are duly escorted to a safe location.

19. Before parting, we condemn the role of the members of the bar at Barabanki, who indulged into hooliganism by damaging the furniture etc. of the advocate, who had filed the bail application on behalf of the petitioners.

20. The writ petition is disposed of accordingly.

21. The Registry is directed to forthwith forward a copy of this Order to the Director General of Police, Uttar Pradesh and the Bar Council of India for compliance/appropriate action.

22. Pending application(s), if any, shall stand disposed of.

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