



2025:UHC:9928

IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

11<sup>TH</sup> NOVEMBER, 2025

SECOND BAIL APPLICATION NO.74 of 2025

Sameer Sarkar ....Applicant

Versus

State of Uttarakhand ....Respondent

Counsel for the Applicant : Mr. Vikas Anand,  
Advocate with Mrs.  
Gyan Mati Kushwaha,  
Advocate.

Counsel for the Respondent : Mr. Pratiroop Pandey,  
Assistant Government  
Advocate assisted by  
Mr. Pradeep Lohani,  
Brief Holder.

Counsel for the Informant- : Mr. Vikas Kumar  
Victim Guglani, Advocate.

Hon'ble Alok Kumar Verma, J.

The Applicant-Sameer Sarkar is in judicial custody for the offence punishable under Section 420 of the Indian Penal Code, 1860 in Case Crime No.67 of 2023, registered at Police Station Dineshpur, District Udham Singh Nagar.

2. The First Bail Application (No.2628 of 2023) was dismissed as withdrawn on 02.07.2024.



3. According to the First Information Report dated 25.03.2023, in the month of August, 2021, the applicant told the informant that he would provide him with a job in the Secretariat of the Central Government. The informant transferred Rs.22,00,000/- (Rupees Twenty Two Lakh) to the bank account of the applicant and Rs.10,00,000/- (Rupees Ten Lakh) was given to him in cash for the job. After receiving the said amount, the applicant gave him a fake posting letter. After one month of fake training, the applicant provided him with a forged joining letter.

4. Heard Mr. Vikas Anand, learned counsel for the applicant, Mr. Pratiroop Pandey, learned Assistant Government Advocate for the respondent and Mr. Vikas Kumar Guglani, learned counsel for the informant-victim.

5. Mr. Vikas Anand, Advocate appearing for the applicant, has contended that the informant is an Engineer. He had ample knowledge that one cannot get a Government Job merely by applying. The money was given to the applicant by the informant in the financial transactions. He (applicant) did not take any money from the informant for the job and he deposited the entire money with the permission of the informant. No



fake or forged document was prepared by him. The prosecution has examined only seven witnesses till date while the applicant is in judicial custody since 03.08.2023. The offence under Section 420 of the Indian Penal Code, 1860 is triable by a Magistrate. Applicant has no criminal antecedents. He is a permanent resident of District Udham Singh Nagar, therefore, there is no possibility of his absconding.

6. Mr. Pratiroop Pandey, learned Assistant Government Advocate and Mr. Vikas Kumar Guglani, Advocate, have opposed the bail application.

7. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the



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merits of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The Bail Application is allowed.

10. Let the applicant- Sameer Sarkar be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

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ALOK KUMAR VERMA, J.

Dt: 11.11.2025

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