



2025:004 - 1 K0:29526

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 12704 of 2025

Samarjeet Singh

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ripu Daman Shahi, Upendra Kumar Singh

Counsel for Opposite Party(s) : G.A., Brajendra Amiy

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the applicant, learned counsel for the Bank as well as learned Additional Government Advocate for the State and perused the record.

It is alleged in the prosecution case that the named accused persons have caused a financial loss of Rs. 525.184 lakhs to the bank, thereby committing the offences of criminal breach of trust, cheating, forgery, and falsification of accounts, resulting in wrongful gain to themselves and corresponding wrongful loss to the bank. It is further alleged that M/s PSP Constructions, along with its partners, including the present applicant, opened demand loan and overdraft accounts under the scheme 'Advance against LIP/KVP/NSC' in the names of the partners/guarantors of M/s PSP Constructions and certain unidentified individuals, using fictitious securities to obtain the loan. These loan accounts were allegedly opened by bank officials without authorization, without approval of the competent authority, and without execution of proper loan documents. Out of the total alleged loss of Rs. 525.184 lakhs, the bank has already recovered an amount of Rs. 278.147 lakhs.

It is submitted that, as per the statement of the Manager of the Bank, who is a co-accused, the applicant's name appears at serial No. 36, and according to his statement, the applicant had availed a Mudra Loan of Rs. 14,00,000/-. The applicant is one of 31 borrowers who allegedly obtained loans on the

basis of an LIC policy.

It is further submitted that the applicant has deposited the entire loan amount, and in that regard, he was issued a No Dues Certificate by the Bank, a copy of which is annexed as Annexure No. SA-7 to the supplementary affidavit.

He further drew attention of this court towards the statement of Kailash Kumar, a bank officer which is placed on record as Annexure No.7 to the bail application. He further submits that a perusal of the statement shows that there is no file found regarding the overdraft accounts against which the said loan was taken. No document or file or policy has been found either. The pledged/collateral policy upon which the loan was alleged to have been accorded has also not been found in the bank. The applicant is in jail since 26.9.2025.

The co-accused Poonam Singh and Santosh Gupta have been granted interim protection by this court vide orders dated 20.11.2025 passed in Anticipatory Bail Nos. 1694 and 1717 - both of 2025. Other co-accused Santosh Kumar Singh has already been enlarged on bail by this Court vide order dated 08.12.2025 passed in Criminal Misc. Bail Application No. 11205 of 2025.

It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. and bank's counsel opposed the prayer for bail. However, they could dispute that there is no documentary evidence at this stage available with the Bank.

Considering the facts and circumstances of the case, the fact that the applicant has no criminal history, the offence is triable by Magistrate, the applicant undertakes to cooperate in the investigation, statement of Kailash Kumar, noted above, interim protection granted by this Court to Santosh Gupta and Poonam Singh, co-accused, arguments advanced by learned counsel for the parties, the period for which the applicant is in jail and the fact that co-accused Santosh Kumar Singh has already been enlarged on bail and without expressing any opinion on the merit of the case, I find it to be a fit case for enlarging the applicant on bail.

The application is **allowed** accordingly.

Let the applicant- **Samarjeet Singh**, involved in Case Crime No. 197/2025 U/S- 316(2), 316(5), 319(2), 318(4), 337, 338, 336(3), 340(2) B.N.S., Police Station - Kotwali Nagar, District - Balrampur. 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 which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the prosecution evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court and he shall appear on each and every date fixed by the trial Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

Any other condition(s) which the trial court/court concerned may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merit of the trial.

December 16, 2025

Vinay/-

(Karunesh Singh Pawar,J.)