



2026:AHC:173805

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7818 of 2026

Surendra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raghav Dev Garg, Yashvi Agarwal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Sri Swetashwa Agarwal, learned Senior Advocate, assisted by Sri Raghav Dev Garg, learned counsel for the applicant; and learned A.G.A. for the State.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 0301 of 2026, under Sections 318(4), 338, 336(3) and 340(2) of the B.N.S., 2023, Police Station – Chakeri, Commissionerate Kanpur Nagar, with a prayer to enlarge him on anticipatory bail, as the applicant apprehends his arrest in the aforesaid case.

3. The learned senior counsel for the applicant contends that the applicant at the relevant point of time was the General Manager and Head of Project in S.J.V.N. Green Energy Ltd., which is a public sector undertaking. The allegation against the applicant is of forging documents and getting a lease awarded in favour of his wife by showing her as wife of 'Narendra'. The learned Senior Counsel has contended that on realizing the mistake in the documents of lease after two months of the lease, a notice was given to the company. The said lease was cancelled after six months. The learned Senior Counsel has further contended that although some amount with respect to the lease rent has been received, however, the premises in question was being utilized and no monetary loss has been caused to the company. The learned Senior Counsel has further submitted that the applicant has now been suspended and the offence, if any, relates to documentary evidence, which is already available with the police. He is

no longer required for any custodial interrogation or recoveries. The learned counsel has further while relying upon the judgment of the Supreme Court dated 28.02.2025 passed in **Criminal Appeal arising out of SLP (Crl.) No.354 of 2026 (Pradip N. Sharma vs. State of Gujarat & Another)** contended, that once the evidence is all documentary in nature and there is no direct physical involvement of the applicant, he can be considered for grant of anticipatory bail as the scrutiny of the official records can be done without placing him in detention. Lastly, it has been argued that the applicant has no previous criminal case to his credit. However, one other case has been lodged against the applicant and his wife by a counsel of the District Court Kanpur subsequent to his involvement in the present case.

4. The learned A.G.A. has opposed the prayer for grant of anticipatory bail, and has contended that the applicant did not disclose the acquisition of the immovable property by his wife as is required under the law. The lease deed was executed on false pretext by showing the wife of the applicant as the wife of 'Narendra'. Mere notice to cancel after two months of the execution of the lease deed would not absolve the applicant and the co-accused, his wife, of the crime in question. The learned A.G.A. has further submitted that the authority cited by the learned Senior Counsel appearing on behalf of the applicant is not applicable to the facts and circumstances of the case and this application for anticipatory bail may be dismissed. The learned A.G.A. however has not disputed the explanation given by the learned counsel for the applicant regarding his criminal antecedents.

5. I have considered the submissions made by the learned counsel for the parties.

6. The applicant is named in the FIR, which has been lodged on 10.05.2026. The lease deed in question is said to have been executed on 21.11.2024. The notice was given for cancellation of the lease deed on 05.02.2025 by the wife of the applicant, which has not been denied. The applicant has also been suspended from his service and an inquiry is ongoing against the applicant. In the prima opinion of the Court, once the applicant has been suspended, he is not in a position to tamper with the records or in any manner affect the collection of documentary evidence

by the police. The Supreme Court in the case of **Pradip N. Sharma (supra)** in paragraph No.18 has held as under :

"However, considering the nature of the allegations and the fact that the matter is to be investigated primarily based on documentary evidence, the Court is inclined to grant the relief of anticipatory bail to the appellant. The offences alleged pertain to the exercise of administrative discretion in the passing of an order rather than direct physical involvement in any overt criminal act requiring custodial interrogation. The prosecution has not demonstrated any necessity for the custodial interrogation of the appellant beyond scrutiny of official records, which can be done without placing him in detention. Additionally, the appellant has expressed his willingness to cooperate with the investigation, and no material has been placed before this Court to suggest that he has evaded or obstructed the investigation in any manner. Furthermore, it is well-settled that anticipatory bail can be granted where custodial interrogation is not essential, particularly in cases where the allegations hinge on official records and the presence of the accused can be secured without pre-trial detention. The Court also takes note of the fact that the FIR in question is part of a series of similar allegations against the appellant, and in the absence of any concrete material indicating a likelihood of tampering with evidence or influencing witnesses, the grant of anticipatory bail is justified. Accordingly, while the appellant shall cooperate with the investigation as and when required, he shall not be taken into custody, subject to conditions imposed hereinafter to ensure his participation in the inquiry process."

7. Similarly, no material has been brought on the record to indicate that the applicant has evaded the investigation or has been uncooperative. In the opinion of the Court, without commenting upon the merits of the case, a prima facie case for grant of anticipatory bail is made out.

8. The anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant- **Surendra Singh** involved in the aforesaid case crime, he shall be released on anticipatory bail, on his furnishing a personal bond and surety in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned, with the following conditions:-

- i. The applicant shall make himself available for interrogation by a police officer as and when required;
- ii. 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;

iii. The applicant shall not leave India without the previous permission of the Court;

iv. The applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

August 18, 2026
Kushal