



2026:AHC:125719

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5664 of 2026

Hemendra Singh @ Hemendrapal

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Amit Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Counter affidavit filed on behalf of the informant/opposite party no.2 in the Court today is taken on record.
2. Heard learned counsel for the appellant, Mr. Umesh Singh, Advocate who has put in appearance on behalf of informant/opposite party no.2 by filing his vakalatnama in the Court today, which is taken on record, the learned A.G.A. for the State and perused the record.
3. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant-Hemendra Singh @ Hemendrapal with the prayer to set-aside the impugned bail rejection order dated 7th May, 2026 passed by the Special Judge (S.C./S.T.) Act, Bijnor in Bail Application No. 1079 of 2026 (Hemendra Singh @ Hemendrapal Vs. U.P. Govt.) arising out of Case Crime No. 40 of 2026, under Sections 406, 467, 468, 471, 504, 506 I.P.C. and Section 3 (1) (da), 3 (1) (dha), 3 (2) 5a of S.C./S.T. Act, Police Station-Manawar, District-Bijnor and with a further prayer to release the appellant on bail in the aforesaid case.
4. The prosecution case in short is that the informant, Arjun Singh, lodged a First Information Report at the concerned police station alleging that that the informant, son of Shri Jagveer Singh, resident of Village Gopalpur, Police Station Mandawar, Tehsil and District Bijnor, belongs to the Scheduled Caste (Chamar) community. One Hemendra Pal (appellant herein), son of Shri Kanhaiya Singh Pal (Mobile No. 8958854081), resident of the same village, is a cunning and fraudulent person. The appellant induced the informant by promising to secure a government job for him. The appellant stated that he had a close friend named as Sachin Kumar, son of Amar Singh, resident of Village Vishanpura, Noorpur, District Bijnor, who could arrange such employment. The appellant introduced the informant to Sachin Kumar. Appellant and Sachin Kumar assured the informant that they would get him a

government job. Believing on their assurance, the informant agreed. The appellant and Sachin Kumar informed the informant that an amount of Rs. 22,00,000/- would be required for the job. The informant, relying upon their assurances, agreed and paid them money. The informant paid Rs. 13 lakhs in cash and Rs. 11,27,500/- through online bank transfers, meaning thereby that he has paid a total amount of Rs. 24,27,500/- to appellant and Sachin Kumar. The appellant arranged the aforesaid amount by selling his agricultural land. The appellant took full responsibility for the transaction and assured the informant that if the job was not secured, he would ensure the return of the entire amount. More than three years have elapsed since the payment was made. After receiving the entire amount, the accused persons provided the informant with a fake joining letter and a forged identity card. The appellant and Sachin repeatedly sent the informant to places such as Lucknow, Kanpur, Delhi, and Moradabad on various pretexts. However, no job was ever provided, nor was the informant's money returned. When the informant demanded the return of his money, the accused persons abused him, used caste-related derogatory remarks, and became aggressive and quarrelsome. The appellant and Sachin Kumar further threatened the informant that if he approached the police, they would kill him. As a result, the informant is extremely distressed and harassed and apprehends danger to his life and property from the accused persons.

5. Learned counsel for the appellant submits that the only role assigned to the appellant is that the only allegation against the appellant is that he introduced Sachin Kumar to the informant for his welfare and to get him a job, he did not know that Sachin Kumar would turn out to be a bad person and would neither get the job to the informant nor return his money. The appellant was also unaware that Sachin Kumar was a fraud who duped people of money in the name of providing jobs and provided fake joining letters and identity cards. Both the appellant and the informant are from the same village and there has been money transaction between them for a long time, hence, much before and after the registration of the FIR, there has been a money transaction between the appellant and the informant, which the informant has also accepted in his counter affidavit. The total amount of Rs. Rs. 24,27,500/- which has been given by the informant has been credited in various bank accounts to which the appellant has no concern. Learned counsel for the appellant further submits that an agreement has now been reached between the appellant and the informant and the appellant is now trying to get the money back to the informant.

6. On the above premise, learned counsel for the appellant urges that since the main allegation of embezzling money in the name of providing job and

getting fake joining letter and identity card made, is assigned to Sachin Kumar and at the same time the only allegation against the appellant is that he got the informant to meet Sachin Kumar, the appellant is in jail since 25th March, 2026 having no criminal history, therefore, the appellant is liable to be enlarged on bail.

7. Per contra, the learned A.G.A. for the State has opposed the appeal and prayer for bail. However, learned counsel for the opposite party no.2/informant has no objection if the appellant is enlarged on bail.

8. After having heard learned counsels for the parties and perusing the records, it is evident that in paragraph no.5 of the counter affidavit it has been stated by the informant/opposite party no.2 that the informant and the appellant were admittedly known to each other through long-standing business and family relations and even the brother of informant and the appellant are jointly engaged in business activities. The appellant and his brother Rajneesh Kumar have transferred Rs. 25,000/- and some money to the account of the informant several times. It is also evident that the only allegation made against the appellant is to get the informant to meet Sachin Kumar against whom main allegation of embezzling money in the name of providing job and getting fake joining letter and identity card made has been made.

9. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the appellant may be enlarged on bail.

10. Let the appellant- Hemendra Singh @ Hemendrapal, be released on bail in the aforesaid case crime number on 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 appellant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The appellant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in 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.

(iv) The appellant will not misuse the liberty of bail in any manner whatsoever. In case, the appellant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS/82 Cr.P.C., may be issued and if appellant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 209 BNS/174-A I.P.C.

(v) The appellant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 251 BNSS/313 Cr.P.C. If in the opinion of the trial court absence of the appellant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS/229-A IPC.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the appellant.

11. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the appellant to prison.

12. Accordingly, the appeal succeeds and the same stands allowed.

13. The impugned order dated 7th May, 2026 passed by the Special Judge (S.C./S.T.) Act, Bijnor in Bail Application No. 1079 of 2026 (Hemendra Singh @ Hemendrapal Vs. U.P. Govt.) arising out of Case Crime No. 40 of 2026, under Sections 406, 467, 468, 471, 504, 506 I.P.C. and Section 3 (1) (da), 3 (1) (dha), 3 (2) 5a of S.C./S.T. Act, Police Station-Manawar, District-Bijnor is set aside.

June 5, 2026
Sushil/-

(Madan Pal Singh,J.)