

Ghanshyam Verma vs State Of U.P. Thru. Prin. Secy. Home Lko. on 21 April, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

Neutral Citation No. - 2025:AHC-LK0:22478

Court No. - 30

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1901 of 2025

Applicant :- Ghanshyam Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Anand Dubey,Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12453 of 2024

Applicant :- Ghanshyam Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. U.P.

Counsel for Applicant :- Upendra Kumar Sagar,Anand Dubey,Shakti Pratap Diwedi

Counsel for Opposite Party :- G.A.

with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1939 of 2025

Applicant :- Ghanshyam Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Govt. Of U.P. Lko.

Counsel for Applicant :- Anand Dubey,Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1940 of 2025

Applicant :- Ghanshyam Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Govt. Of U.P. Lko.

Counsel for Applicant :- Anand Dubey,Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1951 of 2025

Applicant :- Ghanshyam Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko

Counsel for Applicant :- Anand Dubey,Amit Srivastava

Counsel for Opposite Party :- G.A.

with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1952 of 2025

Applicant :- Ghanshyam Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Anand Dubey,Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1967 of 2025

Applicant :- Ghanshyam Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko

Counsel for Applicant :- Anand Dubey,Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Om Prakash Shukla,J.

(1) The above-captioned second applications for bail under Section 439 of the Code of Criminal Procedure, 1973 (Now Section 483 of B.N.S.S., 2023) have been filed by the accused/applicant,

Ghanshyam Verma, in the F.I.R. Nos.11 of 2021, 0938/2020, 12/2021, 09/2021, 10/2021 and 139/2021, all under Sections 406, 419, 420, 467, 468, 471, 120-B I.P.C. and FIR No.625/2021 under Sections 406, 420, 467, 468, 471, 504 and 506 I.P.C. registered at Police Station Gomti Nagar, District Lucknow, with the prayer to enlarge him on bail.

(2) The first bail application of the accused/applicant has been rejected by this Court vide order dated 05.10.2023 passed in Criminal Misc. Bail Application No.11217 of 2022 (Ghanshyam Verma vs. State of U.P.).

(3) Since the above-captioned bail applications arise out of common factual matrix and common F.I.Rs, therefore, they are being decided by this common order treating Criminal Misc. Bail Application No.1901 of 2025 as the leading bail application.

(4) Heard learned Counsel for the applicant and learned AGA and perused the record available before this Court in the above-captioned applications.

(5) As per the prosecution story, one Mr. Ram Prakash Singh, Proprietor of M/s Singh Construction, lodged a complaint at Police Station Gomti Nagar, District Lucknow against five accused persons, namely, Ghanshyam Verma (applicant herein) and co-accused Suresh Kumar, Balwant Singh, Kamlawati Verma, Arvind Kumar Singh, alleging that co-accused Suresh Kumar Verma represented himself that he is the proprietor of the firm, namely, R.S. Associates & Sons, having its office at 2/43, Vikas Khand, Gomti Nagar, Lucknow and had been awarded the work by the Government of India to install drinking water and sanitation units in 75 districts of Uttar Pradesh under the 'Swachh Bharat Abhiyan' and as such he needs people to execute the said work and as such invited the complainant to his office. According to the complaint, when the complainant went to the office of co-accused Suresh Kumar Verma, he found his son, namely, Ghanshyam Verma (applicant/accused herein), and two others, namely, co-accused-Balwant Singh and co-accused Arvind Kumar Singh in his office. All these people allured the complainant to believe that the firm of co-accused Suresh Kumar Verma had been awarded the work of installing drinking water and sanitation units in various districts of Uttar Pradesh and in that regard also showed various forged letters issued by the Government of India. The accused persons also told the complainant to deposit an amount of Rs. 33,75,000/- as refundable security deposit for starting the work and after due discussion, the complainant was told to execute and install the drinking water and sanitation units in district Sitapur.

(6) It has also been alleged by the complainant that all accused persons visited along with him to District Sitapur and the accused persons, after supervising various spot, zeroed on specific spot for installation of units and, thereafter, the complainant through its firm M/s Singh Constructions executed an agreement with R.S. Associates & Sons, wherein the complainant was allured to deposit Rs. 33,75,000/- as refundable security deposit through RTGS. The complainant, after executing the installation work of units, deposited the Bills of expenses and cost as per the terms of the agreement to R.S Associates & Sons, wherein accused/applicant Ghanshyam Verma assured the complainant that payments shall be made after one week. After one week, when the complainant deposited the entire Bills for an amount of Rs. 2,21,09,850/-, all the accused persons started dilly-dallying tactics

for payments. The said act of the accused persons raised suspicion in the mind of the complainant and, thereafter, he came to know that accused persons were playing fraud against him and no such contract of drinking water and sanitation was ever awarded to the firm R.S Associates & Sons by the Government of India. After that the complainant made several visits to the office of the accused persons but found the same closed and after enquiry, he was told that the office had shifted to 2/33, Vikas Khand, Gomti Nagar, Lucknow. The complainant visited the new office of the accused persons and again met co-accused Suresh Kumar Verma, his son, accused/applicant Ghanshyam Verma, and two other, namely, Balwant Singh and Arvind Kumar Singh in his office and on demanding his outstanding amount, accused persons abused him and threatened to face dire consequences, in case the complainant ever come to them to demand his outstanding money.

(7) Based on the aforesaid allegations, FIR No.11 of 2021 dated 07.01.2021 was initially registered under Section 406, 420 IPC, at police station Gomti Nagar, Lucknow, however, during the course of investigation, Sections 419, 467, 468, 471, 120-B I.P.C. have been added. Accused/applicant-Ghanshyam Verma is in jail since 02.01.2022.

(8) As far as the accused/applicant Ghanshyam Verma is concerned, learned Counsel for the applicant has submitted that applicant has not committed any offence as alleged in the FIR. According to the learned Counsel, the entire allegations are leveled against his family with oblique motive. He has stated that the complainant himself has alleged in the impugned F.I.Rs. that agreement of the work was executed between M/s Singh Construction belonging to the complainant and M/s R.S Associates & Sons belonging to co-accused Suresh Kumar Verma. According to learned Counsel, accused/applicant Ghanshyam Verma is neither a Director nor a partner in the firm, namely, M/s R.S. Associates & Sons nor he is even a witness to the agreement and the alleged money of Rs. 33,75,000/- has been credited to the account of M/s R.S. Associates & Sons. According to learned Counsel, accused/applicant Ghanshyam Verma has been made an accused merely being the son of co-accused Suresh Kumar Verma and in any case his father (accused Suresh Kumar Verma) had applied for obtaining the contract from "Jal Jeevan Mission Scheme", which was a brain child of Ministry of Jal Shakti and as such his father was orally assured of being awarded the contract and mere formalities were to be concluded. According to learned Counsel, concerned official of the Ministry had asked his father to procure the contracts from various investors so as to show that the firm in question was competent enough to undertake the project. He stated that in any case, charge-sheet in the case has already been filed under Sections 406, 419, 420, 467, 468, 471 IPC and the investigation stands completed. Applicant undertakes that he will not tamper with any documentary evidence. He has also stated that he is a married persons with a six year old daughter and he is the sole earning member in the family and a property dealer by profession. He has been falsely implicated in the present case and is in jail since 02.01.2022 and as such he prays to enlarge him on bail.

(9) Learned Counsel for the accused/applicant further submitted that the first bail application of the applicant has been rejected by this Court vide order dated 05.10.2023 passed in Criminal Misc. Bail Application No.11217 of 2022 (Ghanshyam Verma vs. State of U.P.) and while rejecting the same, this Court had shown trust that the trial Court shall make an earnest endeavour to expedite the trial and conclude it, expeditiously, if possible, within a period of six months, however, the trial

proceedings have not proceeded by an inch and not even a single prosecution witness has been examined till date, a copy of the order-sheet of the trial court is annexed as Annexure No.12 to this bail application. He next added that co-accused, namely, Kamlawati Verma, having identical role has been enlarged on bail by this Court vide order dated 12.07.2024 passed in Criminal Misc. Bail Application No.5359 of 2024.

(10) Learned Counsel for the accused/applicant further submitted that co-accused, namely, Balwant Singh, had been enlarged on bail by Hon'ble Apex Court on 26.11.2024 passed in Special Leave to Appeal (Crl.) No(s). 8280-8285/2024 and Hon'ble Apex Court had made the following observations in paragraph No.2 of the judgment dated 26.11.2024 :-

"2. After hearing learned Counsel for the parties it is seen that even after direction by the High Court to conclude the trial within six months and elapse of the said period, charges have not yet been framed. Ordersheets of the trial Court produced indicates that the delay has not been caused due to endeavour of the petitioner. Considering the period of incarceration and the delay in trial, we deem it appropriate to release the petitioner on regular bail. Accordingly, we direct to release the petitioner on bail on furnishing the suitable bail bonds and sureties and on such other terms and conditions as may be deemed fit by the trial court."

(11) In the aforesaid backdrop, submission of the learned Counsel for the applicant is that considering the period of incarceration, delay in trial proceedings not been caused due to endeavour of the accused/applicant, nature of allegations and also taking note of the fact that the co-accused persons have been enlarged on bail by this Court and by the Apex Court as referred above, the applicant may be released on bail.

(12) On the other hand, learned A.G.A. for the State appearing on behalf of the State in all the bail applications has vehemently opposed the bail application of the accused/applicant but he could not rebut the aforesaid assertions of the Counsel for the applicant especially the facts that trial has not proceeded any further despite an order by this Court more than one and half year has passed nor even a single prosecution witness has been examined nor charges has yet been framed and delay in trial proceedings has not been caused due to endeavour of the accused/applicant.

(13) Having heard the submissions advanced by learned Counsel for the accused/applicant and learned A.G.A. for the State and perusing the records placed before this Court, particularly the facts that there is no denial on the part of the State to the facts that co-accused Kamlawati Verma, having identical role had been enlarged on bail by this Court vide order dated 12.07.2024; co-accused Balwant Singh had been enlarged on bail by the Apex Court on 26.11.2024; order-sheet of the trial Court produced indicates that the delay has not been caused due to endeavour of the applicant; even after direction by this Court to conclude the trial within six months and elapse of the said period, charges have not yet been framed; investigation has already been concluded and charge-sheet has also been filed by the Investigating Officer before the Court concerned, without commenting on the merits of the case, this Court find it a fit case to grant bail to the accused/applicant.

(14) Accordingly, the above-captioned second bail applications are allowed.

(15) Let applicant-Ghanshyam Verma be released on bail in the aforesaid cases on his furnishing a personal bond and two sureties each in the like amount, one surety by a family member/close relative worth Rs.1,00,000/- (One Lakh), to the satisfaction of Court concerned with the following conditions :-

(i) 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. 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.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code (Now Section 269 of B.N.S., 2023).

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. (Now Section 84 of B.N.S.S., 2023) is issued and the applicant 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 174-A of the Indian Penal Code (Now Section 209 of B.N.S., 2023).

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. (Now Section 351 of B.N.S.S., 2023) If in the opinion of the trial court absence of the applicants are 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.

(16) It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(17) The Senior Registrar of this Court shall communicate this order to the trial Court concerned so that the trial Court may frame charges in accordance with law at an early date and expedite the trial of the case, if there is no other legal impediment.

(Om Prakash Shukla, J.) Order Date :- 21.4.2025

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