

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50124-2024
Reserved on: 16.01.2025
Pronounced on: 24.01.2025

Ram Murti Yadav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pranshul Dhull, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
273	24.06.2024	Palam Vihar, Distt. Gurugram	420, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 of CrPC, seeking anticipatory bail.
2. In paragraph 5 (E) of the bail petition, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	170	24.06.2024	420, 467, 471, 120-B IPC	Sector-4, Gurgaon

3. The facts and allegations are being taken from the reply dated 22-10-2024, filed by the State, which reads as follows:

“3. That the back drop of the instant matter is that on 24.06.2024, a telephonic message through Chief Minister flying squad Gurugram Haryana was received to the effect that they along with RTA Gurugram team had apprehended a person in a room built on Delhi Road near Kataria Chowk, who was making fake receipts of toll tax and MCD parking. On the basis of this information, police team had reached at the spot where Traffic Sub Inspector Sanjeev Kumar along with Inspector Suresh Chand, SI Satbir of flying squad team met them and presented a complaint. It was alleged in the complaint that he was posted in the office

of District Transport Officer, Gurugram and on that day, he had received an information from the office of Chief Minister's Flying Squad, Gurugram that a person named Shubham Yadav was making fake receipts of passenger tax of Haryana and other states and fake receipts of airport parking, hotel parking, Toll Tax and other parking charges through computer and 10/- per receipt was given to the customers and taxi drivers which they misused. On that basis raid was conducted at the above address where a person was found working on the computer in a room. On asking the name and address, he disclosed his name as Shubham Yadav S/o Kanhiya Lal R/o Village Shivgarh Mitai, P.S. Ramgarh, Distt Partapgarh, UP. A large number of car parking and toll tax slips were recovered from the spot. On inquiry, Shubham Yadav told that he prepared the said parking and toll tax receipts and passengers tax receipts of Haryana and other state through computer for Rs.10/- per receipt and gave the collected cash amount to Ram Murti R/o UP. On checking of computer, large number of parking/airport parking fake ticket formats and tax receipts of Haryana and other states were found, and on taking prints, same were found fake. Legal action was sought and accordingly, the abovementioned FIR was registered and investigations were taken up in the matter.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply dated 22.10.2024, which read as follows:

“8. That the petitioner is the prime accused and the mastermind behind the crime. The petitioner had recruited accused Shubham Yadav for the commission of crime. He had set up the entire operation, provided computers and equipment to accused Shubham. The offences are serious in nature involving systematic fraud. The petitioner is a habitual offender and apart from the present case, his complicity has also been found involved in another criminal case bearing FIR No. 170 dated 24.06.2024 registered at PS: Sector 40 for commission of offences punishable under Section 420, 467, 471, 120B of IPC.

9. That the circumstances warrant custodial interrogation of the petitioner not only to effect recoveries of the embezzled amount, but also for ascertaining the modus operandi and the source of forged bills.”

7. It would also be appropriate to refer to the following portions of the reply dated 09-01-2025, which read as follows:

“5. That the petitioner is the prime accused and the mastermind behind the crime. The petitioner had recruited accused Shubham Yadav for the commission of crime. He had set up the entire operation, provided computers and equipment to accused Shubham. The offences are serious in nature involving organized fraud.

6. That the petitioner is a habitual offender and apart from the present case, his complicity has also been found involved in another criminal case bearing FIR No.170 dated 24.06.2024 registered at P.S. Sector 40 for commission of offences punishable under Sections 420, 467, 471, 120B of IPC.”

8. Although, petitioner is the prime suspect, who had used a minor to commit the offence but the quality of evidence collected against the petitioner till date is in the shape of disclosure statement. Despite petitioner joining investigation, the police failed to collect that evidence which may be *prima facie* legally admissible. Thus, this Court cannot send the petitioner to custodial interrogation to fish evidence in the given facts, as such, despite criminal history the petitioner cannot be denied the anticipatory bail.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be *prima facie* sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the *prima facie* analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence

exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

24.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.