



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22442 of 2024
Date of decision: 9th May, 2024

Sahid
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Azad Khan, Advocate for the petitioner.
Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.42 dated 26.09.2023 under Sections 419, 420, 467, 468, 471, 120-B of the IPC registered at Police Station Cyber Crime Nuh, District Nuh.
2. On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances after the dismissal of the previous petition as recently as on 06.03.2024, wherein similar relief had been sought, he had submitted that the trial had not progressed and only two witnesses had been examined till date.
3. Learned counsel for the petitioner has further submitted that he is innocent and has been falsely implicated in the case in hand along with his co-accused for allegedly selling fake SIM cards, and thereafter, opening fake bank accounts.



4. While drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1, it has been further submitted by the learned counsel that the falsity of the version brought forth by the prosecution finds credence from the fact that the time of the alleged occurrence has been mentioned as 7:30 p.m. and as such, it could not have been possible for the police party to have identified the petitioner in the late evening as it was quite dark. He further submits that except for the recovery, that too which has been planted upon him, there exists no convincing much less cogent evidence showing the involvement of the petitioner in the crime in question. A prayer has therefore, been made that since the petitioner has now been in custody for seven months, having been arrested on 26.09.2023, and 14 witnesses still remained to be examined by the prosecution, he be enlarged on bail as his further incarceration would serve no useful purpose.

5. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has controverted qua any material change in circumstances after the dismissal of the previous petition. It has been submitted that the petitioner is a man of criminal antecedents; a specific secret information was received qua his as well as the involvement of his co-



accused in the crime in question leading to the police raiding the spot where the petitioner was found present.

6. Learned State counsel, while drawing the attention of this Court to the custody certificate, which has been filed today in the Court, has submitted that the petitioner has not approached this Court with clean hands and has made a totally false averment in paragraph 8 of the petition that there is no other case pending against him. Learned State counsel has submitted that in case the petitioner is enlarged on bail, there is every likelihood that he would again be involved in some other crime or could abscond or even, especially keeping in mind his antecedents, intimidate/influence the witnesses in the present case. It has still further been submitted by the learned State counsel, on instructions, that the trial is going on at a reasonably good pace and two witnesses out of the 16 already stand examined and hence, there is no reason to doubt that the trial would not conclude in the near future.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Prima facie, there are serious allegations against the petitioner of selling fake mobile phone SIM cards to people and also providing fake bank accounts to the public, and thereby cheating them. A perusal of the FIR in question as well as other material on record reveals that the illegal activities of the petitioner are not confined only



to this part of the country but they stretch to even the States of Bengal and Assam. No doubt, the petitioner has been in custody since 26.09.2023, however, in the wake of the serious allegations levelled against him and his criminal antecedents, this Court would not be inclined to enlarge him on bail, more so, when neither has he been able to bring to the notice of this Court any material change in circumstances after the dismissal of his previous petition under Section 439 Cr.P.C. on 06.03.2024 and pertinently he has withheld his involvement in other criminal cases from this Court.

9. Dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 9, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No