



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-24974-2024
Date of decision: May 29th, 2024

Shivam Yadav
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Kanwal S. Walia, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.11 dated 24.01.2024 under Sections 467, 468, 471, 419, 420, 120-B of the IPC registered at Police Station Division 4 (Lahori Gate), District Patiala.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Himanshu. It has been argued that the investigating agency had not been able to collect any material much less cogent or convincing to link the petitioner with the alleged crime involving cryptocurrency. It has been further submitted that the petitioner has clean antecedents as he is not involved in any other criminal case; the money amounting to ₹1,42,500/- allegedly recovered from the petitioner was his own, saved for household expenses. Furthermore, even the SIM cards allegedly recovered from the petitioner were in no manner linked with the alleged crime.

Learned counsel has submitted that since the petitioner has now been in

custody for more than a month having been arrested on 07.04.2024 and there is no direct evidence against him, no useful purpose would be served by keeping him in custody, more so since the disclosure statement on the basis of which he was arraigned as an accused has very poor evidentiary value.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has argued that during investigation, it had come to the fore that the petitioner was one of the active members of a gang, which had been blackmailing innocent people and demanding ransom through WhatsApp messages; one such incident was of complainant-Davinder Kaur, who was contacted by an imposter, who had been impersonating a serving Deputy Inspector General of Police. She was threatened and asked to deposit ₹4 lakh or else, she would be involved in a false case. Learned State counsel has further submitted that as many as nine SIM cards were recovered from the petitioner and the investigation carried out till now had revealed that the petitioner and the co-accused had been in touch with each other and had been carrying out the crime in question through these SIM cards. Learned State counsel, on instructions from ASI Baljinder Singh, has also submitted that the investigation is still underway and in case the petitioner is enlarged on bail, there is every likelihood that he could tamper with evidence or even abscond since some of the accused were still on the run.

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

5. In the instant case, a perusal of the material on record *prima facie* reveals that there are serious allegations against all the

accused including the petitioner of having duped the complainant and obtained a sum of ₹4 lakh by forging Aadhaar Cards of a serving senior police official; the accused including the petitioner had been demanding ransom by blackmailing through WhatsApp messages. One SIM having phone number 95480-02594 which was recovered from the petitioner had been used for transfer of the ill-gotten money. Not only this, as per instructions received by the learned State counsel, co-accused Himanshu had also been in touch with the petitioner and had given his SIM card to him. *Prima facie*, it seems to be a big racket and hence, this Court does not deem it fit to extend the concession of anticipatory bail to the petitioner at this stage when the challan is yet to be presented and some of the accused are still on the run.

6. The instant petition, therefore, stands dismissed.

7. 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.

May 29th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No