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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37137-2024
Date of decision:-03.09.2024

SIVA PARASD YADALAPURAPU
... Petitioner
Versus
STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Dr. Pankaj Nanhera, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 03.09.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
39	28.03.2024	420, 120-B and 204 IPC	Cyber Crime Central, District Faridabad

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner having no concern in the present case has been falsely implicated in this case on the basis of alleged disclosure statement of the co-



accused Thogadi Badrinath. He submits that the petitioner is not involved in any manner in the alleged crime nor is having any criminal antecedents and is in custody since 23.05.2024. He submits that challan has already been presented in Court. Hence he prays for grant of bail to the petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has opposed the bail application by submitting that the petitioner is member of the gang and by hatching criminal conspiracy defrauded the complainant of huge amount and as such he does not deserve concession of bail. He however, admitted that challan has already been presented in Court and the petitioner is not having any criminal antecedents.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the allegations that some unknown persons had defrauded the complainant of about ₹1crore. Subsequently the petitioner was named on the disclosure statement of co-accused Thogadi Badrinath and as per the reply submitted by the State the petitioner is alleged to have provided fake SIM cards. On query from the Investigation Officer, he could not specify how these SIM cards were procured and what was the participation of the petitioner therein. The petitioner was arrested in this case on 23.05.2024 and no recovery has been effected from him. The challan has already been presented after completion of investigation and till date no witness has been examined . Admittedly the petitioner is not having any criminal antecedents and the completion of trial in the case triable by the Court of Magistrate to ascertain criminal liability, if any of the petitioner will take sufficient long time.

6. In these circumstances, without commenting on the merits of the



case, it is observed that no purpose would be served by keeping the petitioner behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |