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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 22nd August, 2024
Date of Decision: 30th August, 2024

\+ **W.P.(CRL) 1974/2024**

MAZHAR ULLAH .....Petitioner
Through: Mr. Mujeeb Ur Rehman, Advocate.

versus

STATE NCT OF DELHI .....Respondent
Through: Mr. Sanjay Lao, Standing Counsel (Crl) with Ms. Priyam Agarwal and Mr. Abhinav Kumar Arya, Advs. with SI Jagdeep and Insp. Vikas PS Cyber Cell/S.W.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

JUDGMENT

AMIT SHARMA, J.

1. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') seeks the following prayers:-

> "A. Pass an order quashing the arrest of the Petitioner as well as impugned orders dated 16.06.2024 & 30.06.2024 passed by Ld. Duty MM, Dwarka Courts Complex, South West Delhi allowing JC of the Petitioner in the case under FIR No. 33/2024 P.S. Cyber Police Station, South West Delhi u/s 419/420 of the IPC; and thereby direct to release the Petitioner and set him at liberty.
> B. Pass any other or further order/s as may deem fit and proper in the interest of justice."

2. The petition, which is in the nature of a writ of *habeas corpus*, has been

preferred challenging the orders dated 16th June 2024 and 30th June 2024 passed by the ld. Duty Metropolitan Magistrate, Dwarka Courts Complex, South West Delhi, allowing the application seeking judicial custody of the Petitioner in the case FIR No. 33/2024, under Sections 419/420 of the IPC, registered at P.S. Cyber Police Station, South West Delhi.

3. It is pertinent to note here that although the prayer seeks setting aside of the order dated 30th June 2024, the same has not been placed on record and has neither been adverted to during the course of the arguments by the learned counsel for the Petitioner.

SUBMISSIONS ON BEHALF OF THE PETITIONER

4. Learned Counsel appearing on behalf of the Petitioner submitted that the impugned order dated 16th June, 2024 passed by the ld. Duty Metropolitan Magistrate, Dwarka Courts Complex, South West Delhi was without any reason. It was submitted that the same was a cryptic order which reflected that there was no application of mind. Learned counsel for the Petitioner submitted that the Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar & Anr., (2014) 8 SCC 273,** in paragraph 11 has held and observed as under:-

> "11. Our endeavour in this judgment is to ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorise detention casually and mechanically. In order to ensure what we have observed above, we give the following direction:
> 11.1. All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41, Cr.P.C;
> 11.2. All police officers be provided with a check list containing specified sub-clauses under Section 41(1)(b)(ii);
> 11.3. The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further

detention;
11.4. The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;
11.5. The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;
11.6. Notice of appearance in terms of Section 41A of Cr.P.C. be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;
11.7. Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.
11.8. Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court."

5. Learned counsel appearing on behalf of the Petitioner relying upon the aforesaid has submitted that in the present case the aforesaid directions have not been followed, specifically no check-list has been prepared and no notice under Section 41A of the Cr.P.C. was ever served on the Petitioner. It was submitted that admittedly the Petitioner has been charged for offence under Section 420 of the Cr.P.C. which is punishable up to 7 years of imprisonment and therefore the dictum in **Arnesh Kumar (*supra*)** was to be mandatorily followed. Learned counsel for the Petitioner further relied upon the judgment of Hon'ble Supreme Court in **Prabir Purkayastha v. State (NCT) of Delhi, 2024 SCC OnLine SC 934: 2024 INSC 414,** specifically in paragraphs 20 and 22 wherein it was held and observed as under:-

"20. Resultantly, there is no doubt in the mind of the Court that any person arrested for allegation of commission of offences under the

> provisions of UAPA or for that matter any other offence(s) has a fundamental and a statutory right to be informed about the grounds of arrest in writing and a copy of such written grounds of arrest have to be furnished to the arrested person as a matter of course and without exception at the earliest. The purpose of informing to the arrested person the grounds of arrest is salutary and sacrosanct inasmuch as, this information would be the only effective means for the arrested person to consult his Advocate; oppose the police custody remand and to seek bail. Any other interpretation would tantamount to diluting the sanctity of the fundamental right guaranteed under Article 22(1) of the Constitution of India.
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> 22. The right to be informed about the grounds of arrest flows from Article 22(1) of the Constitution of India and any infringement of this fundamental right would vitiate the process of arrest and remand. Mere fact that a charge sheet has been filed in the matter, would not validate the illegality and the unconstitutionality committed at the time of arresting the accused and the grant of initial police custody remand to the accused."

Relying on the aforesaid observation, learned counsel for the Petitioner submitted that no grounds of arrest had been informed to the Petitioner.

SUBMISSIONS ON BEHALF OF THE STATE

6. Learned Standing Counsel for the State submitted that after the registration of the aforesaid FIR, during the investigation, bank details KYC/AOF bank statement and other bank documents of the bank account were received from the concerned Nodal Officer. The CDR of the alleged bank account was linked to the mobile phone registered in the name of the present Petitioner. It was submitted that a notice under Section 41A of the Cr.P.C. was served on the Petitioner which has been annexed along with the status report filed in the present petition. As per the status report filed before this Court, it is stated that the bank account details belonging to the Petitioner who is stated to be a stamp vendor, at the district Court, Guna with the State

Bank of India have been obtained, wherein it has been reflected that an amount of Rs. 1,44,08,787/- have been credited to his account within a span of 17 days. It is further stated that during investigation since the Petitioner had not cooperated, he was arrested in order to unearth the conspiracy, arrest the co-accused person, to recover case property and prevent the accused from destroying digital evidence which can be accessed remotely. The custody of the Petitioner was also required to unearth the *modus operandi*. It is pointed out that operation of these accounts is taking place from Dubai. It is further submitted that the chargesheet in the present case stands filed. As per the investigation an amount of Rs. 4 crores have been found involved in the present FIR. It is also submitted that complaints are still coming in and the Petitioner along with other co-accused person are involved in a huge racket of cyber-crime. So far as the compliance of the directions of Hon'ble Supreme Court is concerned, learned standing counsel for the State submitted that the Petitioner was given a notice under Section 41A of the Cr.P.C in pursuance of which he joined the investigation and after the same, he was arrested. It is submitted that the arrest memo was prepared on the same date and his family members were informed. The said arrest memo has been annexed with the status report filed before this Court. It is submitted that grounds of arrest have been clearly mentioned in the arrest memo. It is submitted that thereafter, a detailed application was filed before the learned Judicial Magistrate First Class, Guna, Madhya Pradesh, wherein, the grounds of arrest were recorded and reasons were clearly stated for transit remand. On the said application a detailed order was passed by ld. Judicial Magistrate, First Class, Guna, Madhya Pradesh, whereby the transit remand of the Petitioner was granted to the Investigating Officer till 04:00 PM on 14th June, 2024.

7. Subsequently, on 14th June 2024, the Petitioner was produced before the ld. Duty Metropolitan Magistrate who on an application moved by the Investigating Officer granted two days police remand of the Petitioner by passing a detailed order after giving a hearing to the counsel for the Petitioner. The said order dated 14th June, 2024 and the application seeking police custody remand has been annexed with the status report.

8. Thereafter, on completion of the police custody remand, the Petitioner was produced before the ld. Duty Metropolitan Magistrate on 16th June, 2024 and again an application seeking 14 days judicial remand was moved before the ld. Duty Metropolitan Magistrate and after hearing the counsel for the accused, the ld. Metropolitan Magistrate after going through the contents of the same and perusing the case diary, granted judicial custody remand of the accused till 30th June, 2024.

9. Learned Standing Counsel further points out that present Petitioner thereafter moved an application seeking bail before the ld. Metropolitan Magistrate on similar grounds that has been taken in the present petition. The same was dismissed by the learned Metropolitan Magistrate on 28th June, 2024. The Petitioner thereafter preferred an application seeking bail before the learned ASJ again on the same grounds and the same was dismissed vide order dated 1st July, 2024. It is further pointed out that the present petitioner has preferred a bail application being BAIL APPLN. 2564/2024 which is pending before learned Single Judge of this Court. It is submitted that the same grounds have been taken in the said petition as well and therefore this petition is not maintainable as the Petitioner cannot agitate the same grounds before two forums at the same time.

REJOINDER ON BEHALF OF THE PETITIONER

10. Learned counsel in his rejoinder to the submissions made on behalf of the State submitted that the Petitioner is a stamp vendor. However, his accounts were misused on false representation inducing him on a promise of granting a loan. It is further submitted that there was no ground for the ld. Duty Metropolitan Magistrate to grant judicial custody of the Petitioner as after being given two days of police custody the Investigating Officer chose not to apply for further police custody demonstrating that there was no requirement of the Petitioner for the purposes of investigation. It was further submitted by learned counsel for the Petitioner that he has no objection with regard to the two days of police custody remand given to the Investigating Officer, however, the remand of judicial custody by the ld. Duty Metropolitan Magistrate was not appropriate in the facts and circumstances of the present case.

FINDINGS AND ANALYSIS

11. The relevant facts and sequence of events necessary for the adjudication of the present petition are as follows:-

i) The aforesaid FIR No. 33/2024 dated 03rd June, 2024 was registered on the complaint of one Sh. Prem Jyoti regarding a cyber fraud in pursuance of which an amount of Rs. 48,50,000/- was duped from the aforesaid complainant.

ii) During the course of the investigation, it was revealed that the bank accounts wherein the money was deposited were linked to a mobile number which was registered in the name of the present Petitioner and the Investigating Officer traced the present Petitioner to his residence at Guna, Madhya Pradesh. Subsequently, on 12th June, 2024 the Petitioner was served with a notice under Section 41A of the Cr.P.C. to join investigation at PS Kotwali, Guna, Madhya Pradesh.

iii) After examining the Petitioner at length and being confronted with the bank accounts, the Investigating Officer arrested the accused on 12th June 2024. Arrest memo was prepared and his family members were duly informed. A disclosure statement was recorded.

iv) On 12th June, 2024 itself, the Petitioner was produced before ld. Judicial Magistrate First Class, Guna, seeking two days transit remand and on the basis of the application which was moved, the learned Judicial Magistrate First Class *vide* a reasoned order of the same date granted two days transit remand for the Petitioner till 14th June, 2024. The relevant part of the transit remand application is as under:-

> "During investigation bank details KYC/AOF bank statement and other relevant documents received from the nodal officers. The bank account linked mobile phone CDR/CAF obtained and analysed. Further during investigation as per evidence raid conducted at Guna MP and alleged Mazhar Ulla S/o Ishrat Ulla R/o Near Naaz Hotel, Talaiya Mohalla, Distt. Guna, Madhya Pradesh Age- 26 Years served notice U/S-41(A) Cr.P.C to join investigation at PS- Kotwali Guna MP. The alleged was examined at length and found he is part of organised cybercrime who used to provide current bank account in order to settle the cheated amount on percentage basis. As per the evidences on record Mazhar Ulla got arrested in order to arrest co-accused person, to recover case property and to unearth modus operadi. During arrest Hon'ble Supreme Court guidelines followed in true spirit. During investigation seizure memo prepared, Disclosure statement recorded.
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> Now in order to produce the accused before the concerned jurisdiction CMM Patiala House Court New Delhi two days transit remand may kindly be granted."

v) On 14th June, 2024, the Petitioner was produced before the Duty

Metropolitan Magistrate, Dwarka Courts Complex, South West Delhi along with other the co-accused Shriniwas Thakad. After examining the application seeking police remand and after hearing the learned counsel for the accused/Petitioner, the Duty Metropolitan Magistrate, Dwarka Courts Complex, South West Delhi granted two days police custody remand with respect to the present Petitioner. Relevant portion of the police custody remand application is as under:-

> "During investigation bank details KYC/AOF bank statement and other relevant documents received from the nodal officers. The bank account linked mobile phone CDR/CAF obtained and analysed. Further during investigation as per evidence raid conducted at Guna MP and alleged Mazhar Ulla S/o Ishrat Ulla Ro Near Naaz Hotel, Talaiya Mohalla, Distt. Guna, Madhya Pradesh Age- 26 Years served notice U/S-41(A) Cr.P.C to join investigation at PS- Kotwali Guna MP. The alleged was examined at length and found he is part of organised cybercrime who used to provide current bank account in order to settle the cheated amount on percentage basis. As per the evidences on record Mazhar Ulla got arrested in order to arrest co-accused person, to recover case property and to unearth modus operadi. During arrest Hon'ble Supreme Court guidelines followed in true spirit. During investigation seizure memo prepared, Disclosure statement recorded. The accused was produced before the Ld. ACJM Court, Guna, MP and 2 days Transit Remand i.e till 14/06/2024 was obtained.
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> During further course of investigation account handler Shriniwas Dhakad S/o Shri Hargovind Dhakad R/o Ward No 39 Karondi Colony Distt. Shivpuri Madhya Pradesh Age- 26 Years was traced at a Hotel in Indore, MP and served a notice U/s-41A to join investigation at Police Station Bhawar Kuan, Indore. He was examined at length and the mobile phones, SIM cards recovered from his possession were analysed. After analysis, it came to light that he was found actively involved in providing current bank accounts to cyber fraudsters on commission basis with his associates. Furthermore, he was very well aware of the loopholes of banking system as he has worked in three different private Banks as a Deputy Manager (Sales). **In view of the above facts,**

<u>02 days Police Custody remand of both the accused Mazhar Ullah & Shriniwas Dhakad may kindly be granted in order to confront the accused persons, unearth the whole modus operandi, to establish the role of other co-accused, to analyse the digital gadgets of accused & to recover case property</u>."

(emphasis supplied)

vi) The order granting two days police custody remand is as under:-

"14.06.2024

Present: Mr. Manish Sidhawat, Id. Substitute APP for the State.
Accused No. 1 Mazhar Ulla produced after transit remand of 2 days.
Accused No. 2 Shriniwas Dhakad produced after fresh arrest.
IO/SI Jagdeep Nara in person.
Mohd. Arif Hussain, Ld. Counsel for accused No. 1.
Sh. Ravi Shukla, ld. Counsel for accused No. 2.

Arrest memo, Transit Remand order dated 12.06.2024 and MLC of accused persons perused.

Accused persons have stated that their father has been informed of their arrest. Grounds for arrest arc justified considering the allegations levelled against the accused.

<u>IO has moved an application for grant of two days police custody of the accused persons on the ground to arrest co-accused persons, to analyse the digital gadgets of accused and to recover the case property, hence his police custody is required to unearth the whole modus operandi</u>. The application is opposed by Ld. Counsel for accused No. 1 & 2.

Heard. Record perused.

For the purpose of investigation, in the opinion of this court, interrogation of the accused persons is imperative, therefore, custodial interrogation of the accused persons is required to unearth the complete truth and to apprehend co-accused persons, if any. The court deems it appropriate to allow the instant application for grant of two days police custody of the accused persons to IO.

Medical examination of the accused persons be conducted as per law/rules. Accused is directed to be produced

before concerned court/Id. Duty MM on 16.06.2024.
Dasti copy of this order be given to the IO."
(emphasis supplied)

vii) On 16th June, 2024 after the completion of two days police custody remand, the Petitioner was produced before the concerned Duty Metropolitan Magistrate, Dwarka Courts Complex, South West Delhi and an application was filed seeking judicial custody remand till 30th June, 2024. The said application was allowed and the Petitioner was sent to judicial custody remand for 14 days pending investigation till 30th June, 2024. Relevant portion of the application seeking further custody is as under:-

> "Most respectfully it is submitted that the said case was registered on the complaint of Sh. Pret Jyoti r/o Gali No. 5 RZD 1/48 Mahaveer Enclave, Palam Delhi regarding fraud of Rs. 48.5 lakhs. During the course of investigation the above two accused have been arrested in the said case. During the course of investigation two days PC remand of above accused was obtained. **Now, the JC remand of above both accused is required on below grounds that the accused Zuber Khan is well known to both accused persons. The co-accused Zuber Khan is neighbour of Mazhar Ullah, maternal uncle, who is residing at old Shivpuri M.P. Moreover, Zuber Khan is college time friend of accused Shriniwas since 2015. The current A/c of IDBI Bank, in which an amount of Rs. 37,00,000 was transferred was found registered in the name of present accused Mazhar Ullah. During investigation it is who revealed that at the time of offence, the said account was operational at old Shivpuri. It is pointed out that that the present accused Mazhar Ullah had earlier supplied his one SBI current account to accused Shriniwas on Commission basis, which is corroborated by whatsapp chat between the accused persons. It is also pertinent to mention here that accused Mazhar had also taken advance commission for accused Shriniwas for providing his current account. The co-accused Zuber Khan is still absconding and has not joined the investigation so far. It is**

submitted that another accused Shriniwas Dhakad is selling of fraud accounts to fraudsters and he has been expelled from the bank due to his conduct. As per the investigation, it is revealed that accused Mazhar Ullah is in habit of providing his accounts to fraudster and the same bank account were used to cheat innocent persons. **The co-accused Zuber Khan is to be arrested and cheated amount is to be recovered from accused persons. As per the NCRP Portal eight complaints were found registered against the IDBI Bank account of accused.** The involvement of present accused in another case is to be ascertained. **There is high possibility that the present accused may threaten the complainant and may help to co-accused Zuber Khan.** In the present case the accused persons are running a big syndicate in frauding the victim. There (their) custody is required to ensure presence of both accused before the Court. It is therefore, the Hon'ble Court is requested to send both accused to Judicial custody for 14 days."

(emphasis supplied)

viii) The impugned order granting judicial custody is as under:-

"Pr: IO in person.
Ld. Cl. For accused Mazhar
Accused Mazhar & Srinivas produced after 2 days PC.

Heard. Record perused. MLC perused.

Ld. Counsel states that IO has not followed proper procedure while arresting the accused. IO has filed application for 14 days JC remand, wherein he has mentioned in detail the grounds on which JC is sought. Heard. CD perused.

Both accused are remanded to JC till 30/06/24. Copy dasti given to Ld. Counsel."

ix) On 30th June, 2024, the present Petitioner was again remanded to judicial custody for a further period of 14 days.

x) The present petition was filed on 1st July, 2024.

12. Learned counsel for the Petitioner during the course of the arguments had submitted that he does not oppose the police custody remand by the learned Duty Magistrate with respect to the Petitioner, however, the subsequent order of remand of judicial custody was not tenable as no further police custody remand was sought and therefore the same demonstrated that the Petitioner was not required for any custodial purposes. In these circumstances, it was submitted that the impugned order granting judicial remand is vitiated on account of non-application of mind. It was further argued that no notice under Section 41A of the CrPC was served on the Petitioner and that no grounds of arrest were also communicated. In the light of the aforesaid contentions, it was submitted that the order granting judicial remand is illegal and therefore should be set aside.

13. So far as the contention of non-service of notice under Section 41A of the CrPC is concerned, the same is outrightly rejected in view of the fact that the same was duly served on the Petitioner as is evident from the application seeking two days transit remand as well as the notice bearing No. 5056 registered at Serial No. 75 of Police Station Cyber, South-West, Delhi, which has been placed on record by the State. The said fact is also duly recorded by the learned Judicial Magistrate First Class, Guna, Madhya Pradesh, granting two days transit remand of the Petitioner.

14. So far as the requirement of the satisfaction of the Investigating Officer in terms of Section 41(1)(b)(ii) of the CrPC is concerned, the same are reflected from the averments made in the application seeking transit remand as well as the police custody remand and finally judicial custody of the Petitioner. The grounds of arrest have been clearly spelt out in the said applications which were examined by the concerned learned Metropolitan Magistrates before passing the relevant orders. The grounds of his arrest have been recorded therein which are specific to the Petitioner with respect to his involvement in the offence and requirement for further investigation.

15. Although, as pointed out hereinabove, learned counsel for the Petitioner is not challenging the order granting transit remand as well as police custody remand, however, the aforesaid facts and sequence of events demonstrate that the grounds taken by the Petitioner with regard to the procedure not been followed by the Investigating Officer in the present case are non-maintainable.

16. In **Prabir Purkayastha *(supra)*** relied upon by the Petitioner, the Hon'ble Supreme Court therein observed that the grounds of arrest which are set out in the remand application was transmitted to the Advocate of the Petitioner therein after the remand had been granted by the remand Judge. In the said case, the remand application that had set out the grounds of arrest was supplied after grant of remand order, which is not the case in the present factual context.

17. As pointed out hereinabove, similarly, so far as the impugned order of granting judicial custody remand is concerned, a perusal of the same reflects that learned Duty Magistrate had heard the learned counsels for the parties and had perused the records. The ld. Magistrate had granted remand after examining the grounds on which the judicial custody was sought and perusing the case diary. The Hon'ble Supreme Court in **Manubhai Ratilal Patel v. State of Gujarat And Others, (2013) 1 SCC 314,** while discussing the scope of writ of habeas corpus with respect to an order passed by ld. Magistrate at the time of remand, observed and held as under: -

> "23. Keeping in view the aforesaid concepts with regard to the writ of habeas corpus, especially pertaining to an order passed by the learned Magistrate at the time of production of the accused, it is necessary to advert to the schematic postulates under the Code relating to remand. There are two provisions in the Code which provide for remand i.e. Sections 167 and 309. The Magistrate has the authority under Section

167(2) of the Code to direct for detention of the accused in such custody i.e. police or judicial, if he thinks that further detention is necessary.

24. The act of directing remand of an accused is fundamentally a judicial function. The Magistrate does not act in executive capacity while ordering the detention of an accused. While exercising this judicial act, it is obligatory on the part of the Magistrate to satisfy himself whether the materials placed before him justify such a remand or, to put it differently, whether there exist reasonable grounds to commit the accused to custody and extend his remand. The purpose of remand as postulated under Section 167 is that investigation cannot be completed within 24 hours. It enables the Magistrate to see that the remand is really necessary. This requires the investigating agency to send the case diary along with the remand report so that the Magistrate can appreciate the factual scenario and apply his mind whether there is a warrant for police remand or justification for judicial remand or there is no need for any remand at all. It is obligatory on the part of the Magistrate to apply his mind and not to pass an order of remand automatically or in a mechanical manner.

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31. …**It is well-accepted principle that a writ of habeas corpus is not to be entertained when a person is committed to judicial custody or police custody by the competent court by an order which prima facie does not appear to be without jurisdiction or passed in an absolutely mechanical manner or wholly illegal**. As has been stated in B. Ramachandra Rao [(1972) 3 SCC 256 : 1972 SCC (Cri) 481 : AIR 1971 SC 2197] and Kanu Sanyal [(1974) 4 SCC 141 : 1974 SCC (Cri) 280] , the court is required to scrutinise the legality or otherwise of the order of detention which has been passed. Unless the court is satisfied that a person has been committed to jail custody by virtue of an order that suffers from the vice of lack of jurisdiction or absolute illegality, a writ of habeas corpus cannot be granted. It is apposite to note that the investigation, as has been dealt with in various authorities of this Court, is neither an inquiry nor trial. It is within the exclusive domain of the police to investigate and is independent of any control by the Magistrate. The sphere of activity is clear cut and well demarcated. Thus viewed, we do not perceive any error in the order passed by the High Court refusing to grant a writ of habeas corpus as the detention by virtue of the judicial order passed by the Magistrate remanding the accused to custody is valid in law."

(emphasis supplied)

18. It is also a matter of record that the present Petitioner had already availed of his right to seek bail before the learned Metropolitan Magistrate as well as before the learned ASJ while raising the same grounds as raised in the present petition. It is also a matter of record that presently an application under Section 439 of the CrPC being BAIL APPLN. 2564/2024 is pending adjudication before the learned Single Judge of this Court.

19. In view of the above, without commenting on the merits of the case of the Petitioner, the present petition is dismissed.

20. Pending application(s), if any, also stand disposed of.

21. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case or on the pending trial against the present Petitioner and any observations made herein are only for the purpose of the present petition.

22. Judgment be uploaded on the website of this Court *forthwith*.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 30, 2024*/sn*