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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4124/2023**

SURYA BHAN VERMA

..... Petitioner

Through: Mr. Abhik Kumar, Mr. Rinku Mathur
and Mr. Satyam Singh, Advs.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma and Mr. Vasu
Agarwal, Advs. with SI Ankit Singh,
PS. Nangloi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **31.01.2024**

1. The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in connection with FIR No. 304/2023 under Sections 420/467/468/471/120B/34 IPC registered at Police Station Nangloi.
2. The case of the prosecution is that the complainant and the co-accused knew each other. The complainant was induced by the accused persons that his son can be provided a job by them and accordingly, an amount of Rs.30 lacs was taken from the complainant on different occasions. Later, the complainant found out that the appointment letters and ID cards provided to his son were fake, this led to the registration of the aforesaid FIR.
3. The learned counsel for the petitioner refers to the Status Report filed by the State to contend that the cheating has been alleged against the six accused persons namely Ved Prakash, Raj Kumar Mehto, Naveen Chauhan, Neeraj, Narender Saroha and Anuj. He submits that the name of the petitioner has not been mentioned in the FIR.



4. He further submits that the allegations are primarily against one Ved Prakash, who is admittedly is related to the complainant and have given the complainant to understand that he is having good connection and he can help in getting government job for his son Punit.
5. He submits that the only allegation against the present petitioner is that he along with other co-accused Naveen Chauhan got the fake medical of complainant's son Punit conducted at RML Hospital.
6. He submits that the petitioner is in custody since 09.06.2023. He further contends that it is not the case of the prosecution that any amount has been deposited in his bank account, rather the allegation are that the entire cheated amount has gone into the account of co-accused Raj Kumar Mehto and other co-accused.
7. He submits that the investigation being complete, no useful purpose will be served in keeping the petitioner behind the bars and the petitioner has clean antecedents. According to him even co-accused Ved Prakash was not arrested and has also been granted bail by the learned Trial Court.
8. In the backdrop of the aforesaid facts and circumstances, it is urged by the learned counsel that the petitioner be enlarged on bail.
9. *Per contra*, the learned ASC for the State has argued on the lines of the Status Report.
10. I have heard the learned counsel for the petitioner, as well as, the learned ASC for the State and have perused the record.
11. On a query posed by the Court, the learned APP, on instructions from the I.O, fairly states that no cheated amount has gone into the account of the present petitioner.
12. It is also not in dispute that the present petitioner has not been named



in the FIR and only six persons noted above have been mentioned as accused in the FIR. In so far as the present petitioner is concerned the only role ascribed to him is that he got the fake medical of the son of the complainant conducted at RML Hospital.

13. As regards the reliance placed by the State on the CDRs and the WhatsApp Chat is concerned, suffice it to observe that it is trite law that the CDRs and WhatsApp chats can only be used as supporting or corroborative piece of evidence and cannot form the sole basis of conviction. In any case, the probative value of CDRs and WhatsApp chat will be considered by the learned Trial Court at an appropriate stage.

14. It is not in dispute that the investigation *qua* the present petitioner is complete and the charge sheet has also been filed. Therefore, in the circumstances discussed above, no useful purpose will be served in keeping the petitioner behind the bars for an indefinite period to await the outcome of Trial which has not yet commenced.

15. On a further query put by the Court, the learned ASC on instructions from the I.O, states that the antecedents of the present petitioner are clean. It is also not the case of the prosecution in the Status Report that the present petitioner is a flight risk.

16. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-



- a) Petitioner shall not leave the Delhi/NCR without prior permission of the Court.
 - b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - c) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
- 17. The petition stands disposed of.
 - 18. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
 - 19. Order *dasti* under signatures of the Court Master.
 - 20. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 31, 2024/dss