

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-23184-2022

Date of Decision: 30.08.2022

Pawan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ajay Arora, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Balwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.229 dated 19.11.2020 at Police Station Ding, District Sirsa, under Sections 420/467/468/471/120-B IPC (Section 66-D of the Information Technology Act, 2008 added later on).
2. The FIR in question was lodged at the instance of SI Rajpal, wherein it is alleged that on 19.11.2020 when he alongwith other police officials was patrolling near Village Sherpura, then a secret informer informed that Sanjay son of Dharambir, Ajay Kumar, Govind Singh, Vikas, Sanjay son of Pritam, Darshan and Harsh used to purchase activated SIMs of different companies on the basis of forged documents in huge numbers and used to insert the same in different mobiles phones and laptops and caused financial losses to various companies in an illegal manner. The

information was further to the effect that the said persons at the given point of time were present at Sherpura Bus Stand. Pursuant to receipt of said information, a raid was conducted at the bus stand, where the aforesaid 7 persons were apprehended and their search led to recovery of mobile phones and a large number of SIMs from each of them. From one of the accused as many as 49 SIMs were recovered while from others 28 and 30 SIMs were recovered. Upon being questioned, the said persons could not produce any document pertaining to ownership of the recovered mobile phones or SIMs. It is further the case of prosecution that during the course of interrogation some of the accused made disclosure statements including Sanjay son of Pritam. In his disclosure statement, Sanjay disclosed that a scheme had been floated by 'Dhani App' as per which upon deposit of Rs.10,000/-, an amount of Rs.100/- was given as cash back/bonus and that one person could avail of such scheme only twice a month. Sanjay stated that in order to avail of said cash back/bonus, they made transactions through fake SIMs and fake e-mail IDs and used to fleece the companies. He further disclosed that in order to avoid detection of their identity they used to get the 'root' of the mobile phones done, which was being got done through Vikramjit Singh from his shop situated at Ding Road, District Sirsa, who used to charge Rs.800/- per mobile phone. It is alleged that Sanjay suffered a disclosure statement nominating petitioner as an accused while stating that petitioner used to supply SIM cards.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he has been nominated on the

basis of a disclosure statement suffered by co-accused Sanjay and that there is no credible evidence to connect him with the alleged occurrence. It has further been submitted that the petitioner in any case deserves the concession of bail on the ground of party since co-accused, namely Vikramjit, Sanjay, Vikas, Harsh Goswami, Sanjay, Govind, Darshan @ Darshan Singh and Ajay Kumar had already been granted bail vide orders dated 06.04.2021 passed by this Court in CRM-M-6003-2021; order 26.07.2021 passed in CRM-M-22242-2021 and in CRM-M-22498-2021 and order dated 04.08.2021 passed in CRM-M-18270-2021 & other connected cases.

4. Opposing the petition, learned State counsel has submitted that since it is a case where crores of rupees were siphoned off by the accused by using SIM cards and mobile phones, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 5 months and that he is not involved in any other case. It has also been informed that the challan already stands presented. It has been informed that petitioner stands involved in one more case i.e. FIR No.228 dated 18.11.2020 at Police Station Ding, Sirsa, under Sections 420/467/468/471/120-B IPC (Section 66-D of Information Technology Act, 2008 added later on).
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and the fact that the petitioner has been behind bars for a substantial period of about 5 months and while also noticing that 9 other co-accused have already been

granted regular bail by this Court, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.08.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**