

**206-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-29433 of 2015.

Decided on: 9.12.2015.

Harpreet Singh @ Pintu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. B.S. Sewak, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

By filing this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case FIR No.102 dated 02.08.2014, under Sections 17, 18 and 20 of Unlawful Activities Act (Prevention), 1967, 153-A, 120-B, 121-A IPC and 25 of Arms Act registered at Police Station Bhogpur, District Jalandhar Rural.

Allegations, in brief, against the petitioner are that he along with co-accused Mohinder Pal Singh and Harshit Singh has formed a terrorist gang. The gang is being funded by one, Ranjit Singh alias Kalu r/o of Jammu.

On behalf of the petitioner, it is contended that the petitioner has been running a small provision store and also deals in the SIM cards. Allegedly, 14 mobile SIM cards were recovered from the petitioner. The petitioner neither has any affiliation nor is a

sympathizer of any terrorist gang. It is contended in fact no recovery of the SIM cards as alleged by the prosecution was effected from the petitioner. It is further submitted that during interrogation, the confessional statement of the petitioner was recorded on the basis of which, the petitioner has been implicated in another FIR No. 91 dated 23.4.2011 wherein, the recovery of one AK 47, 30 live cartridges, one US Carbine magazine and 17 live cartridges has been shown from the petitioner. The petitioner is in custody since 4.8.2008.

On the other hand, the learned State counsel states that the recovery of SIM cards issued by Pakistani companies was effected from the petitioner. In response to the order dated 19.11.2015, reply on behalf of State filed today in the Court is taken on record. It reads as under:-

“2. That as per the recovery memo dated 4.8.2014 prepared in case FIR No.102 dated 2.8.2014 u/S 17/18/19 Unlawful Activities (Prevention) Act, 1967, 153-A/120-B/121-A IPC and Section 25 of Arms Act, P.S. Bhogpur, 14 SIM cards were recovered from the petitioner. On verification, it has been found that 3 SIM cards out of these 14 SIM cards appears to have been issued by Pakistan based companies i.e. Zong (Pak), Jazz and V. Fone VPTCL. One SIM card each has been issued by Idea, Aircel, Reliance and

Airtel companies in India. The remaining 7 SIM cards have been issued by Vodafone.

3. That in compliance with the order dated 19.11.2015 passed by this Hon'ble Court the matter was taken up with all the concerned companies to supply record/information regarding the issuance of these SIM cards. The Reliance communication limited vide their letter dated 7.12.2015 has intimated that IMSI No.899915-04160-00005-9696 does not belong to the said company. Further investigation in this regard will be taken up. The relevant record regarding IMSI No. 8917-50060-04743-8682 is yet to be received from the Vodafone. IMSI NO.8991-55071-10656-75363 has been issued to the petitioner against him voting card by Neeta Communication Shahpura J & K (Airtel) on 19.12.2011. Mr. Navjeet Ssingh Sangwan of Aircel has intimated that no data was found regarding IMEI No.899117051311722. The remaining 7 SIM cards have been issued to other persons against their Identity Proofs i.e. Voter card. The information in this regard received from the companies has been tabulated and the same is enclosed as Annexure R-1. Documents received from

companies has been attached herewith.”

Keeping in view the above and the fact that the challan has already been presented and out of 22 PWs, none has been examined so far, the trial is not likely to be concluded in near future, without expressing any opinion on the merits of the case, the petitioner is ordered to be released on bail on his furnishing heavy bail bonds and surety bonds to the satisfaction of trial Court.

9.12.2015.
SN

(JITENDRA CHAUHAN)
JUDGE