

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.16481 of 2016(O&M)

Date of Decision:-27.05.2016

Vikas Kumar @ Vicky.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Raghav Gulati, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Pardeep Kumar.

JASWANT SINGH, J (ORAL)

CRM No.17163 of 2016

Instant application is for preponement of the date of hearing of main petition on the ground that the anticipatory bail of the co-accused is listed for today.

Upon notice of the instant application, learned State Counsel has no objection if the date of hearing of the main petition is preponed from 22.07.2016 to today itself and same be taken up today itself.

Ordered accordingly. With the consent of the parties, main petition is taken up today for hearing itself.

CRM-M No.16481 of 2016

the petitioner-Vikas Kumar @ Vicky in case FIR No.21 dated 26.02.2016 for offences punishable under Sections 420, 465, 468, 471, 120-B of the Indian Penal Code and Section 467 IPC and Sections 66-C & 66-D of the Information Technology Act (added later on), registered with Police Station Mansa City, District Mansa.

The FIR was lodged on a secret information that non applicants/co-accused Suresh Kumar @ Bunty, Gagandeep Singh @ Gagan, Yadwinder Singh @ Yadi, Kuldeep Singh @ Kala s/o of Hari Singh, Kuldeep Singh s/o Ajaib Singh, Sandeep Singh and Tarun Kumar had formed a Gang and used to cheat Flipkart Company by buying expensive mobiles and then seeking refund of the price by returning defective mobiles.

The name of the petitioner has surfaced on the subsequent complaint made by the Flipkart company as the one who was involved in the operation of cheating the aforesaid company.

The role of the petitioner as surfaced in the investigation is that of providing Sim Card on forged documents to the other accused and 08 new mobiles have also been recovered from the petitioner.

Learned Counsel for the petitioner submits that merits apart, petitioner is in custody since 18.03.2016 and after completion of investigation challan qua him stands presented and the evidence of 23 cited prosecution witnesses is yet to commence. It is further submitted that the case is triable by Magistrate.

Learned State Counsel assisted by ASI Pardeep Kumar does not refute the custody period and the stage of trial.

Without commenting on the merits of the case, keeping in view the custody period, petitioner is not involved in any other case and that the

trial is not likely to be concluded in near future, present petition is allowed and the petitioner, namely, **Vikas Kumar @ Vicky** is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Mansa.

Petition stands disposed of.

**(JASWANT SINGH)
JUDGE**

May 27, 2016
Vinay