

CRM-M-21345-2020

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

CRM-M-21345-2020

Date of decision: 18.09.2020

Radhey Shyam Lodhika

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Suresh Kumar Kaushik, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Faisal Zafar, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.25 dated 26.04.2019, registered at Police Station Cyber Crime, Gurugram, District Gurugram, under Sections 420, 120-B, 204, 467, 468 and 471 IPC and Section 66-D of the Information Technology Act, 2008.

There are allegations against the petitioner that he had affixed his photograph in some SIM customer application forms and had supplied SIMs of different companies to co-accused, Avinash Kumar Jha.

Learned counsel for the petitioner contends that the petitioner is engaged in the business of mobile phone instruments, SIM Cards and their accessories, and that the petitioner has been indicted in the present case on the basis of disclosure statement of co-accused, Deepak Arora. Said

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Deepak Arora remained in custody for 03 months and 10 days only, and has since been released on bail vide order dated 23.10.2019 (Annexure P-3) passed by the learned Additional Sessions Judge, Gurugram. He further contends that the petitioner has been in custody for the last nearly 01 year and 02 months.

On the other hand, learned State counsel assisted by the learned counsel for complainant, opposes the prayer made in the present petition and points out that the petitioner had supplied the SIMs of different companies to the customers and on verification, the IDs attached with the consumer application forms and the address given thereon, were found to be fake.

I have heard the learned counsel for the parties.

Co-accused, Deepak Arora, having similar allegations as of the petitioner, has since been released on bail by the learned Additional Sessions Judge, Gurugram, vide order dated 23.10.2019 (Annexure P-3). The petitioner has been in custody since 19.07.2019. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

18.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No