

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39081-2020 (O&M)
Date of Decision: 09.12.2020

Praveen
Versus
....Petitioner

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Naveen Sheoran, D.A.G., Haryana,
for the respondent.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

CRM-30029-2020

The present application has been filed under Section 482 of the Code of Criminal Procedure for placing on record a copy of agreement as Annexure P-5.

For the reasons stated in the application, the same is allowed and the accompanying Annexure P-5 is taken on record.

Application stands disposed of.

CRM-M-39081-2020

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No.503 dated 07.09.2020, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, registered at Police Station Camp Palwal, District Palwal.

As per the FIR, a complaint was made by one Simran Chhabra,

resident of Palwal, by stating that they are two sisters. On 07.09.2020, she got an information from Canara bank for coming to the bank for completing KYC of their account numbers and when they inquired from Canara bank then the employees of the Canara bank told them that both the sisters have separate online accounts. Whereas, in fact, neither the complainant nor her sister had opened any account in Canara bank and that these accounts have been opened by fraudsters by changing their address and the said fraudsters have cheated them by making their fictitious Aadhaar cards and opened the fictitious accounts and that the mobile numbers mentioned in the FIR do not belong to the complainant and her sister.

The learned counsel for the petitioner has submitted that in the present case, the petitioner is a distributor of SIM cards of the Vodafone company and is distributing the same to various retailers in eight villages. He referred to Annexure P-5 by stating that he is an authorized distributor of SIM cards of the Vodafone company and he gives the SIM cards to various retailers, who further give it to the customers after due verification. He further submitted that the retailer in the present case was Salim, who, in fact, committed the alleged fraud and, therefore, the petitioner, who is only a distributor, is not involved in the present case. He further submitted that the aforesaid Salim has already been granted bail by the Co-ordinate Bench of this Court vide CRM-M-37521-2020 on 19.11.2020 and a bail has also been granted to one Pankaj (who prepared the forged Aadhaar cards) by the Co-ordinate Bench of this Court, vide CRM-M-35452-2020 on 06.11.2020. He has further submitted that so far as the petitioner is concerned, he has been falsely implicated in the present case as he has nothing to do with the aforesaid

issuance of any Aadhaar card for opening of the bank accounts etc. He further submitted that the petitioner is in custody since over a period of three months and the investigation of the present case is completed and the challan has already been presented. He further submitted that the entire case is based upon the documentary evidence and, therefore, has prayed for the grant of regular bail.

On the other hand, the learned State counsel has submitted that in the present case, there have been a fabrication of the Aadhaar cards as well as opening of the fake accounts by linking the mobile numbers. He submitted that the alleged offence is serious in nature and, therefore, opposed the grant of bail.

I have heard learned counsel for the parties.

So far as the role of the petitioner is concerned, it has been submitted by the learned counsel for the petitioner that he was merely a distributor as per Annexure P-5 and he only supplied the SIM cards to various persons including the retailer, namely, Salim, who seems to have issued the false accounts and the other co-accused, namely, Pankaj had fabricated the Aadhaar cards. The argument of learned counsel for the petitioner that so far as the petitioner is concerned, he had nothing to do with the present case, thus carry some weight at this stage. The co-accused has already been granted bail by the Co-ordinate Bench of this Court and the investigation in the present case is admittedly completed and the challan has been presented, therefore, it is the opinion of this Court that no useful purpose would be served in case the petitioner remains in custody for a long time.

In view of the above, the present petition is allowed. The petitioner shall be released on regular bail on his furnishing bail/surety bonds,

subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

09.12.2020
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No