

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

CRM-M-5369-2021 (O&M)
Date of Decision:- 13.12.2021

Rajan @ Hunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana
assisted by Inspector Sudhir.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 228 dated 18.11.2020 at Police Station Ding, District Sirsa under Sections 420, 467, 468, 471/120-B IPC, wherein offence under Section 66-D of Information Technology Act, 2008 was added later on.
2. The FIR in question was lodged at the instance of ASI Tarsem Singh, wherein it is alleged that on 18.11.2020 when he alongwith other police officials were patrolling at Bus Stand Ding, then a secret informer informed that Ramesh Kumar Son of Rameshwar, Vinod Kumar Son of Rajbir, Subhash Chander Son of Mahender Singh and Rajesh Kumar Son of Ram Singh alongwith other companions 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 had built an office near Railway Line, Ding under the name and style of M/s S.S. Communication. Pursuant to receipt of said information, a raid was conducted and upon seeing the police party four persons standing outside the office of M/s S.S. Communication tried to flee away with black coloured polythene bags carried by them in their hands but they were apprehended by the police party. The apprehended persons disclosed their names as Ramesh Kumar, Vinod Kumar, Subhash and Rajesh Kumar and the search led to recovery of a Laptop from Ramesh Kumar and also mobile phones and a large number of SIMs from each of them. From one of the accused as many as 141 SIMs were recovered while from others 54, 55 and 20 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 all the accused made disclosure statements including Ramesh Kumar. In his disclosure statement, Ramesh Kumar disclosed that a scheme had been floated by 'Dhani App' as per which upon deposit of ₹10,000/-, an amount of ₹100/- was given as cashback/bonus and that one person could avail of such scheme only twice a month. Ramesh Kumar stated that in order to avail of said cashback/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.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is sought to be nominated on the basis of a disclosure statement made by co-accused, the authenticity and veracity of which would be debatable. Learned counsel has further submitted that even as per the said disclosure statement, the petitioner cannot be said to be the beneficiary of the amounts siphoned off from various companies.
4. The learned State counsel, while opposing the petition, has submitted that the petitioner is supplier of the SIMs illegally procured and which were further passed on to remaining co-accused namely Vinod Kumar, Subhash Chander etc. It has further been submitted that the petitioner Rajan had supplied more than 1,000 illegally procured SIM Cards to co-accused. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and that he stands involved in one more case. It has been informed that challan already stands presented and charges are yet to be framed.
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 is not named in the FIR and that his name surfaced during the course of interrogation on the basis of disclosure statement of co-accused and that the petitioner has been behind bars for a substantial period of about 1 year, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time.
7. 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.

8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

13.12.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No