

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

(I) CRM-M-22242-2021 (O&M)

Sanjay ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-22498-2021 (O&M)

Vikas ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 26.07.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Thakan, Advocate, for the petitioner
in CRM-M-22242-2021.

Mr. Karanyog Singh Riar, Advocate, for the petitioner
in CRM-M-22498-2021.

Mr. Vishal Kashyap, AAG, Haryana,
assisted by Inspector Sudhir Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the aforesaid two petitions i.e. CRM-M-22242-2021 filed on behalf of Sanjay and CRM-M-22498-2021 filed on behalf of Vikas, seeking grant of regular bail in respect of a case registered against them vide FIR No.229 dated 19.11.2020 at Police Station Ding, District Sirsa, under Sections 420/467/468/471/120-B IPC and Section 66-D of the Information Technology Act, 2008.

2. The FIR in question was lodged at the instance of SI Rajpal, wherein it is alleged that on 19.11.2020 when he alongwith other police officials were patrolling near Village Sherpura, then a secret informer informed that Sanjay son of Dharambir, Ajay Kumar, Govind Singh, Vikas, Sanjay son of Pritam, Darshan and Harsh 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 at the given point of time were present at Sherpura Bus Stand. Pursuant to receipt of said information, a raid was conducted at the bus stand, where the aforesaid 7 persons were apprehended and their search led to recovery of mobile phones and a large number of SIMs from each of them. From one of the accused as many as 49 SIMs were recovered while from others 28 and 30 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 some of the accused made disclosure statements including Sanjay son of Pritam. In his disclosure statement, Sanjay disclosed that a scheme had been floated by 'Dhani App' as per which upon deposit of Rs.10,000/-, an amount of Rs.100/- was given as cash back/bonus and that one person could avail of such scheme only twice a month. Sanjay stated that in order to avail of said cash back/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, who used to charge Rs.800/- per mobile phone.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the instant case and that there is no credible evidence to connect them with the alleged occurrence. It has further been submitted that the petitioners in any case deserve the concession of bail on the ground of party since co-accused, namely, Vikramjit had already been granted bail vide order dated 06.04.2021 passed by this Court in CRM-M-6003-2021 and also in view of the fact that all other remaining co-accused have been granted interim bail by this Court.
4. Opposing the petition, learned State counsel has submitted that since it is a case where crores of rupees were siphoned off by the accused by using SIM cards and mobile phones, no case for grant of bail is made out. Learned State counsel has further submitted that Vijay was found in possession of 30 SIMs at the time of his arrest on 19.11.2020, which were found to have been issued without following the prescribed legal formalities. It has further been submitted that accused Vikas subsequently got recovered 170 fake SIMs out of which 150 were issued by BSNL and 20 by IDEA on the basis of his disclosure statement. Vikas is further alleged to have made another disclosure statement leading of recovery of 63 SIMs of BSNL.

5. Learned State counsel has further informed that 800 SIMs, 2 Laptops and 22 mobile phones were recovered from the petitioner Sanjay, which would necessarily indicate his complicity. Learned State counsel has, however, informed that both the petitioners have been behind bars since the last about 8 months and that they are not involved in any other case. It has also been informed that the challan already stands presented.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case and the fact that the petitioners have been behind bars for a substantial period of 8 months and are not stated to be involved in any other case and while also noticing that co-accused have already been granted regular/interim bail by this Court, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

26.07.2021

Vimal

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**