

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39445-2021 (O&M)
Date of Decision:-22.9.2021

Pawan Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Thakan, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.229 dated 19.11.2020 at Police Station Ding, District Sirsa under Sections 420, 467, 468, 471, 120-B of Indian Penal Code and Section 66-D of I.T. Act, 2008
2. The FIR was lodged at the instance of SI Rajpal, wherein it is alleged that on 19.11.2020 when he alongwith other police officials was present near Village Sherpura, then secret information was received to the effect that Sanjay alongwith his accomplices Ajay Kumar, Govind Singh, Vikas, Sanjay, Darshan and Harsh used to purchase activated SIMs of different companies against forged documents in large numbers in an illegal manner and after

inserting the same in various mobile phones and laptops used to commit financial losses by way of frauds to various companies and thus made huge money in an illegal manner. The information was further to the effect that the said persons at the given moment were present at Sherpura Bus Stand. Pursuant to receipt of said information, a raid was conducted at the nominated place and the following persons were apprehended, who were found in possession of huge number of SIMs as indicated below:

- (i) Ajay Kumar was found in possession of one mobile phone (made Redmi Note Black) apart from 49 SIMs of BSNL service provider;
- (ii) Dharmavir was found in possession of one mobile phone (VIVO 1901 Blue) apart from 50 SIMs of BSNL service provider;
- (iii) Govind was found in possession of one mobile phone (Redmi Note 4 White) apart from 28 SIMs of VI service provider;
- (iv) Jagdish was found in possession of one mobile phone (Samsung Galazy M30s) apart from 30 SIMs of Vodafone service provider;
- (v) Darshan was found in possession of one mobile phone (Redmi 8 Black) apart from 36 SIMs of JIO service provider;
- (vi) Harsh was found in possession of one mobile phone (POCO F1 Grey) apart from 34 SIMs of Idea service provider; and
- (vii) Sajay son of Pritam was found in possession of one laptop (Lenovo Ideapad 300-151SK Model No.80Q7), five mobile phones, one of the mobile phone was Apple iPhone 11 and another one was Realme 3 apart from 100 SIMs of BSNL service provider.

3. It is further alleged in the FIR that the aforesaid persons upon being asked could not produce any detail regarding ownership of the recovered mobile phones and the SIMs and did not give any satisfactory reply. Upon interrogation, they disclosed that they had been cheating various companies with the help of SIMs and mobile phones and had been earning huge money.
4. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been nominated subsequently on the basis of a disclosure statement allegedly made by co-accused Sanjay, wherein while admitting his guilt of having defrauded several companies with the help of large number of SIMs illegally procured, he stated that when he needed more SIMs he had contacted his friends Pawan Sihag (petitioner) and Azad Singh, who was also into this kind of work and who introduced him to Rajan and Rajat, who is having a mobile shop at Jalalabad, and had purchased 2700 SIMs from Rajan @ ₹100/- per SIM. Learned counsel has submitted that it is thus clearly evident that the petitioner had himself not indulged in any kind of fraud and had not cheated any company or any person and at best can be said to have sold some SIMs to the other accused in an illegal manner by taking some profit.
5. I have considered the aforesaid submissions addressed before this Court and have also perused the FIR, disclosure statement and the order passed by learned Trial Court.
6. It is no doubt correct that the petitioner is not named in the FIR and came to be nominated as an accused subsequently on the basis of disclosure statement. However, keeping in view the enormity of scam, wherein crores of rupees had been siphoned off by misusing various mobile applications

through SIM cards illegally procured, the custodial interrogation of the petitioner would certainly be required so as to unearth the entire *modus operandi* and to find out as to how many other persons are involved in this scam. No special case is made out for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

22.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No