

203.

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

CRM-M-46164-2021

Date of Decision: 13.12.2021

(Heard through VC)

MOHIT AND ANOTHER

.... Petitioners

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kawalpreet Singh Virk, Advocate,
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.291, dated 06.08.2021, registered under Sections 406/420/467/468/471 of IPC (Sections 467/468 & 471 IPC added lateron) at Police Station Sadar Safidon, District Jind.

Learned counsel for the petitioners would contend that the aforesaid FIR came to be registered at the behest of Jagbir Singh Dhull, Director, Skylark Feeds Private Limited, Safidon, who contacted one BSP Enterprises allegedly owned by one Santosh for transporting material from Safidon to different States. The name of BSP Enterprises was obtained

from Just Dial Company. It is argued that as per the FIR, an amount of Rs.6,64,120/- was given to the owner of BSP Enterprises to handover to the transporters, however, the said payment was never made and, therefore, in this manner, the FIR on the basis of cheating came to be registered against the BSP Enterprises. It is further argued that the only role attributed to the petitioners, who are not named in the FIR, is that they supplied mobile sim cards, which, according to the State, are based on fake IDs. It is further argued that even if all the allegations are to be taken to be true against the petitioners herein, they are not the beneficiaries under any transaction that took place between the complainant and the BSP Enterprises, which would be a money dispute. It is argued that the matter qua them is investigated and no recovery is to be effected from them and, therefore, their custody, which is already of the period of two months, would no longer be required.

On the other hand, learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail by contending that the petitioners herein are the ones who prepared on fake IDs the sim cards which were used by the co-accused.

I have heard learned counsel for the petitioners as well as the learned counsel appearing on behalf of the respondent-State and deem it appropriate to allow regular bail to the petitioners considering the fact that the main dispute, as per the FIR, would be of cheating done by the BSP Enterprises.

Accordingly, the instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal

bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, it is made clear that any observation made herein pertaining to the role of the petitioners is purely for the purpose of allowing regular bail and be not construed as any observation on the role of the petitioners or the merits of the case.

(JAISHREE THAKUR)
JUDGE

13.12.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No