

CRM-M-11582-2022 (O&M)

Through video conference

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

CRM-M-11582-2022 (O&M).

Decided on: March 24, 2022.

Suraj Kumar

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.S.S.Gill, Advocate,
for the petitioner.**

Mr.Ranvir Singh Arya, Addl. A.G. Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.9 dated 7.9.2021, registered under Sections 406, 420, 467, 468, 471, 120-B and 201 IPC, and Section 66-D of the Information Technology Act, at Police Station Cyber Crime, Hisar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 22.9.2021 and more than 6 months have elapsed that the petitioner is facing incarceration. He submitted

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that investigation of the case is already complete and the matter is now fixed for prosecution evidence. He submitted that it is a case where the allegations were that one person received a call from a lady for the purpose of giving employment and some amount was also transferred in her name and the aforesaid lady named Anjali Pandey used to contact other persons and amount was also deposited in the name of aforesaid Anjali Pandey and so far as present petitioner is concerned, the allegation against him is that he has given SIM card to the other customers on the basis of the identity proof of some other persons. He submitted that it is yet to be ascertained during the course of trial as to whether the petitioner had issued SIM cards in a bona fide manner or in connivance with anybody else. He further submitted that the petitioner is involved in one more case but that case was also registered after the registration of the present case.

On the other hand, learned State counsel has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that investigation of the case has been completed and now the case is fixed for prosecution evidence. He submitted that role of the petitioner was that he issued various SIM cards to accused persons on the basis of identity proof of some other persons. He further submitted that main accused namely Anjali Pandey is in custody.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last about 6 months and the investigation has been completed and now matter is fixed for

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prosecution evidence. The allegation against the petitioner is that the petitioner had been issuing SIM cards to accused persons by using identity cards of some other persons. There is no money transaction in the name of the petitioner. It is yet to be determined during trial as to whether the petitioner had issued SIM cards to accused persons in a bona fide manner or in connivance with some other persons. The involvement of the petitioner in another case, as per the learned counsel for the parties, was after registration of the present FIR. The trial of the case may take long time and further, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, this Court is of the considered view that the petitioner is entitled for the grant of regular bail. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

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

March 24, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No