

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15814-2022 (O & M)

Date of decision:05.05.2022

Suhail @ Manni

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C. to the petitioner in a case bearing FIR No.1069 dated 26.11.2021 under Sections 420, 467, 468, 471 and 34 IPC registered with Police Station Sadar Hisar, District Hisar.

The brief facts of the case are that on 26.11.2021 while ASI Vijay Kumar of Special Staff Hisar alongwith other police officials was present in the area of Sat Road Cantt. Hisar in connection with checking of crime and criminals, he received a secret information that Ajay Kumar and Gaurav used to sell SIM cards by installing a stall on National High Way Sat Road Cantt., Hisar, to sell the SIMs of Vodafone and Idea Company and have down loaded an application on their mobile phones which has a fake Adhaar Card maker by which they can change the photos and addresses on

offers to their customers, as on one Aadhar Card, I.D., they are changing the photographs and addresses of the customers by the fake Aadhar maker application and are de-frauding the customers by selling SIMs. Upon these allegations, the present case was registered at Police Station Sadar Hisar.

After registration of the FIR, during the course of investigation, a number of SIM cards, photocopies of Aadhar Cards and a mobile phone were recovered from co-accused Ajay and Gaurav. During the course of investigation, Ajay disclosed that he and his friend Gaurav, Anil, Jitender, Suhail (the present petitioner) and Naresh were to sell SIM cards of Idea and Vodafone for which he and Gaurav had installed a stall at the National Highway near Cantt., Hisar and used to sell the SIM cards using fake Aadhar Cards generated by an application on their phone which was used to change the photos and the addresses for selling the SIM cards. Thereafter, the present petitioner-Suhail came to be arrested and 10 SIM cards and one mobile bearing SIM No.8950298776 were recovered from him. The petitioner is then said to have disclosed that he has sold the SIM cards to other persons namely Parveen, Akshay Malik, Ankit Bhatia and Sushil.

The learned counsel for the petitioner submits that the petitioner is in custody since 28.11.2021 and the investigation already stands completed, after which, the report under Section 173 Cr.P.C was presented in the Court on 22.02.2022. Even the charges have not been framed till date, and therefore, the trial is not likely to be concluded in the near future. Even otherwise, the petitioner has not fabricated any Aadhar Card by way of any application on his phone and the said allegation is against Ajay and Gaurav.

He, thus, contends that the petitioner deserves the concession of bail.

The learned State counsel, on the other hand, contends that the petitioner has committed a serious offence by selling the SIM cards on the basis of fake Aadhar Cards and fake addresses which were being used mostly by the criminals, and therefore, the petitioner did not deserve the concession of bail, moreso, when there is an apprehension of him absconding from the trial.

I have heard the learned counsel for both the parties.

The culpability of the petitioner shall be established at the trial. He is in custody since 28.11.2021 and only the challan has been submitted till date. A number of witnesses are yet to be examined, and therefore, the trial is not likely to be concluded in the near future.

Keeping in view the aforementioned facts as also the fact that the case is triable by the Court of a Magistrate, the further incarceration of the petitioner is not required.

Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Suhail @ Manni, is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

May 05, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No