

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

(I) CRM-M-20693-2021 (O&M)

Ramesh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-23207-2022 (O&M)

Pawan Kumar ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 30.08.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shiv Kumar, Advocate, for the petitioner
in CRM-M-20693-2021.

Mr. Ajay Arora, Advocate, for the petitioner
in CRM-M-23207-2022.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two petitions filed on behalf of Ramesh Kumar and Pawan Kumar respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.228 dated 18.11.2020 at Police Station Ding, Sirsa, under Sections 420/467/468/471/120-B IPC (Section 66-D of Information Technology Act, 2008 added later on).

2. The case of the prosecution is that when a police party headed by ASI Tarsem Singh was present near bus stand, Ding Turn, in connection with patrolling, then a secret informer met SI Rajpal and informed that Ramesh Kumar son of Rameshwar Dass, Vinod Kumar son of Rajbir, Subhash Chander son of Mahender Singh and Rajesh Kumar son of Ram Singh 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 have built an office near railway line Ding under the name and style of 'SS Communication' and even now these persons are carrying on this work and if a raid is conducted immediately, then all the said persons can be nabbed alongwith illegal SIMs.
3. It is further the case of the prosecution that pursuant to receipt of said information, the police was able to apprehend Ramesh Kumar, Vinod Kumar, Subhash Chander and Rajesh Kumar on the same very day. It is further the case of the prosecution that incriminating articles in the shape of SIMs, mobile phones and lap-top were recovered from Ramesh Kumar at the spot and some of these were recovered pursuant to his disclosure statement. Apart from 2500 SIMs, 25 mobile phones and one lap-top were also recovered at the instance of Ramesh. The petitioner – Pawan Kumar came to be nominated as an accused on the basis of disclosure statement suffered by Ramesh Kumar. Consequently, Pawan Kumar was also apprehended. It is further the case of the prosecution that it is Pawan

Kumar, who used to supply SIMs to the co-accused including Ramesh Kumar.

3. Learned counsel for the petitioners have submitted that they have falsely been implicated in the present case and that there is no credible evidence to connect them with the allegations as leveled by the prosecution. It has further been submitted that in any case the investigation has already been concluded and challan stands presented. It has also been submitted that other 4 co-accused have already been released on bail.
4. Opposing the petition, learned State counsel has submitted that Ramesh Kumar is one of the main accused and that the very fact that recovery of a large number of SIMs i.e. 2500, apart from mobile phones and lap-top was effected from him would show that he is actively involved in the said scam. It has further been submitted that petitioner Pawan Kumar is involved in one more case i.e. FIR No.229 dated 19.11.2020 at Police Station Ding, District Sirsa, under Sections 420/467/468/471/120-B IPC (Section 66-D of the Information Technology Act, 2008 added later on). It has, however, informed that the petitioners as on date have been behind bars since the last about 6 months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioners have been behind bars for the last about 6 months and also that other 4 co-accused have already been granted bail,

both the petitions 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.

7. A photocopy of this order be placed on the connected file.

30.08.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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