

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23524-2022 (O & M)
Date of decision:02.06.2022

Gourav Petitioner
V/s
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Narender Singh Kamboj, 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 Juraim Cantt. Hisar in connection with checking of crime and criminals, he received a secret information that Ajay Kumar and Gourav, the present petitioner, used to sell SIM cards by installing a stall on National High Way Satroad Cantt., Hisar, to sell the SIMs of Vodafone and Idea Company. They 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 the Aadhar Card and can affix it on any other Aadhar Card. They are giving 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 SIM cards. 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 Ajay and Gourav. During the course of investigation, Ajay disclosed that he and his friend Gourav (the present petitioner), Anil, Jitender, Suhail and Naresh were to sell SIM cards of Idea and Vodafone for which he and Gourav 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 accused persons came to be arrested.

The learned counsel for the petitioner submits that the petitioner is in custody since 26.11.2021 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. The co-accused of the petitioner, namely, Suhail @ Manni and Jitender have been granted the concession of regular bail vide orders dated 05.05.2022 and 18.05.2022 passed by this Court and co-accused Naresh has been granted the concession of bail by the Court of Additional Sessions Judge, Hisar vide order dated 17.05.2022. Even the charges have not been framed till date, and therefore, the trial is not likely to

be concluded in the near future. He, thus, contends that the petitioner deserves the concession of bail.

The learned State counsel, on the other hand, contends that, in fact, 5 SIM cards of Vodafone and Idea alongwith photocopies of 09 Aadhar cards had been recovered from the petitioner at the spot and he also got recovered 11 SIM cards of Vodafone, Idea and one mobile phone on 11.12.2021. He further 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 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 26.11.2021 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. The co-accused of the petitioner have been granted the concession of regular bail as has been mentioned above.

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, Gourav, 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.

- (i) The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other crime other.
- (ii) The petitioner shall surrender his passport before the Trial Court immediately and he shall not travel abroad, without taking prior permission from the Trial Court.
- (iii) If any attempt whatsoever is made by the petitioner and/or his family members to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

(JASJIT SINGH BEDI)
JUDGE

June 02, 2022
sukhpreet

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