

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

206

CRM-M-52221-2022

Date of Decision: 17.11.2022

Shailesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Gursher Singh Dhillon, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.340 dated 21.08.2021 registered at Police Station Ladwa, District Kurukshetra under Section 420 IPC (Sections 419, 463, 465, 467, 468, 471, 120-B of IPC and Section 66-D of the Information Technology Act added later on).

Learned counsel for the petitioner submits that as per FIR and Challan, the role of the petitioner is confined to arrange SIM cards. The main accused are still absconding. Challan has already been presented and alleged offences are triable by Magistrate. The petitioner is in custody since 09.05.2022. No recovery is to be effected from the petitioner and conclusion of trial would take quite a long time and especially in view of the fact that the main accused are still absconding. He fairly concedes that no other case is pending against the petitioner.

Learned State counsel submits that it is a case of cheating and even though the petitioner has arranged SIMs, however, he is part of the cartel created by the other accused. No leniency is warranted.

In view of the fact that the petitioner is in custody since more than 06 months, no other case is pending against him, and main accused are still absconding, the present petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

17.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>