

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-56885-2022 (O&M)
Date of Decision:-12.12.2022

Ravi Solanki ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Apporva Arya, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Subhash.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0007, dated 10.1.2022, Police Station Sector-53, Gurugram, under Sections 419, 420, 468, 471, 120-B of Indian Penal Code.
2. The FIR was lodged pursuant to receipt of secret information to the effect that one person, who is standing in front of Artemis Hospital, Gurugram is selling activated SIMs to foreigners, procured on the basis of forged documents for a price of Rs.600/- to Rs.800/-. Pursuant to receipt of said information, a raid was conducted at the nominated place and a person was apprehended at the spot, who disclosed his name as Ravinder Singh @ Sameer and from whose possession 2 mobile phones and 14 SIM cards alongwith cash amount of Rs.18,500/- were recovered. It is further the case

of prosecution that upon being asked said Ravinder Singh @ Sameer disclosed that he alongwith his friend Jamir and Lalit had been purchasing the SIMs in the name of different persons by fraudulently using their identity without their knowledge. It is further the case of prosecution that subsequently Ravinder Singh @ Sameer also disclosed the name of the petitioner as his associate and from whose possession 4 activated SIMs and 11 unactivated SIMs were recovered.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated as an accused on the basis of disclosure statement made by co-accused, which would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since recovery of 4 activated SIMs and 11 unactivated SIMs was effected from the petitioner, his complicity is clearly evident. It has, however, been informed that the petitioner as on date has been behind bars since the last about 1 year and is not involved in any other case. It has also been informed that till date none out of the cited 10 PWs has been examined.
5. This Court has considered the rival submissions.
6. It is not in dispute that the petitioner is not named in the FIR. However, the factum of recovery of 4 activated SIMs and 11 unactivated SIMs could establish his complicity. In any case, without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars for a substantial period of about 1 year and otherwise has a clean record, the petition is accepted and the petitioner is ordered to be released on

regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.12.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No