

CRM-M-9545 of 2023

2023:PHHC:066401

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

CRM-M-9545 of 2023
Date of decision: 09.05.2023

Kushal Barman

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Abhilaksh Grover, Advocate,
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.571 dated 08.09.2022 under Sections 420, 467, 468, 471 (wrongly mentioned as Section 47 in the headnote), 120-B IPC, registered at Police Station City Palwal, District Palwal.

2. Brief facts of the case are that on 08.09.2022 SI Sahid Ahmed along with other police officials were present at Railway Road Palwal and they received a secret information that one Khurshid son of Iliyas resident of Rajasthan and Jamshed son of Amin resident of Nuh are involved in supply of SIM cards obtained on forged documents from Distributor and Dealers of the companies. Those SIM cards are being used to cheat public at large. Both of them are present at Bus Stand Palwal and if a raid is

CRM-M-9545 of 2023

2023:PHHC:066401

conducted, they can be apprehended along with SIMs. The information being reliable, immediately a raid was conducted. They saw one person standing on the Railway Station with a *Pithu* Bag and one more boy standing with him. Both the persons were overpowered and on checking of their bag from the polythene with a tape along with 199 SIM cards of Jio and 126 SIM cards of Airtel Company were recovered. They disclosed their name as Khurshid and Jamshed. Thus, total SIMs recovered were 343 and 20 ATM cards. They could not give satisfactory reply about the SIMs and ATM cards. Thus, both the accused were apprehended. On verification, it transpired that those SIM cards and ATM cards were obtained on forged documents. They also identified place of Narveta Part 4, near PS Merarchar, Rangpani Bazar, District Bingaoi of Assam and they prayed that these forged SIMs and ATMs from Rajidal Islam and one Dada were obtained from Jio and Airtel companies. Further during investigation, accused Pradeep Brahmo, Rahul Borua, Kushal Barman (present petitioner) and Sushil Barman were arrested, as they have provided SIM to one Dada. Hence, present FIR was lodged.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case on the disclosure statement of Sehar Ali. He further submitted that petitioner has not committed any offence as he has no role in providing any fake SIM cards inasmuch as all the cards are verified by the company and petitioner simply delivered the SIM cards to the customers. He further submitted that no recovery has been effected from the petitioner. He further submitted that investigation in the present case is complete; *challan* has been presented; charges have been framed; out of total 17 prosecution witnesses only three

CRM-M-9545 of 2023

2023:PHHC:066401

witnesses have been examined and the case is now fixed before the trial Court on 10.05.2023. He further submitted that co-accused of the petitioner, namely, Pradip Brahma has been granted regular bail by the Court of learned Additional Sessions Judge, Palwal, vide order dated 10.01.2023 (Annexure P-4). He submitted that petitioner is in custody since 14.09.2022. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, on the basis of status report dated 03.05.2023 and custody certificate has opposed the prayer for grant of regular bail to the petitioner by submitting that petitioner in collusion with his co-accused used to issue two SIM cards on one ID and one SIM was used to cheat and dupe innocent people. However, he could not dispute that petitioner is in custody for the last 07 months and 24 days; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 17 prosecution witnesses only three have been examined as yet; petitioner is not involved in any other case and his co-accused has been granted regular bail by the trial Court.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody period of the petitioner, which is 07 months and 24 days; co-accused Pradip Brahma has already been granted regular bail; petitioner is not involved in any other case; investigation is complete; challan has been presented; charges have been framed and out of 17 witnesses, only three prosecution witnesses have been examined till date; no recovery has been effected from the petitioner and trial is likely to take a

CRM-M-9545 of 2023

2023:PHHC:066401

considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed off accordingly.

09.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No