

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

CRM-M-54384-2022 (O&M)
Date of Decision:-9.2.2023

Lalit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Mittal, Advocate and
Mr. Ankit Kamboj, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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 and 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 (petitioner) 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 upon arrest of Lalit (petitioner), he got recovered 4 activated SIMs, 145 unactivated SIMs, one biometric device & one phone.

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. Learned counsel for the petitioner has informed that identically situated co-accused namely Ravi Solanki has already been granted bail by this Court vide order dated 12.12.2022 passed in CRM-M-56885-2022.
4. Opposing the petition, learned State counsel has submitted that since recovery of 4 activated SIMs of Vodafone, 145 unactivated SIMs, 1 biometric device and 1 mobile phone make 'Oppo' 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 more than 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 addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR. However, the factum of recovery of 4 activated SIMs of Vodafone, 145 unactivated SIMs, 1 biometric device and 1 mobile phone make 'Oppo' 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 more than 1 year and otherwise has a clean record and that identically situated co-accused namely Ravi Solanki has already been granted bail by this Court vide order dated 12.12.2022 passed in CRM-M-56885-2022, 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.

9.2.2023

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No