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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2433 of 2024

Date of decision:- 09.02.2024

ANIL KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rupinder Singh Rana, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case :-

FIR No.	Dated	Sections	Police Station
45	22.05.2023	419, 420, 468, 471, 120-B IPC	Sadar Rupnagar, Punjab

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, he has no concern with the allegations levelled in the FIR. He submits that the petitioner had issued SIM cards in accordance with the procedure laid down in guidelines issued by the Government. He submits that even otherwise the

activation of SIM card is controlled by the licensee i.e. the telecom company. The alleged SIM card was never activated by the petitioner but false case has been planted on the petitioner as petitioner is having no criminal antecedents and is in custody since 08.12.2023. He submits that challan has been presented in Court, as such petitioner is not required for further investigation, hence he prays for grant of bail to the petitioner.

3. On the other hand, learned counsel for the State by referring to the reply dated 05.02.2024 submitted by way of affidavit of Deputy Superintendent of Police, Sub Division Rupnagar, District Rupnagar, submits that the petitioner alleged to have issued SIM cards on tampered documents and as such he does not deserve concession of bail.

4. After considering the rival contentions and perusing the record, it is observed that the version of the prosecution is that the petitioner while working as POS agent had issued SIM cards on tampered documents. The petitioner was arrested on 08.12.2023 and after completion of investigation challan has been presented in Court. It is matter of evidence for the prosecution to prove that the petitioner had committed such offence which will be ascertained once trial is concluded. There is no criminal antecedents of the petitioner. In these circumstances, detaining the petitioner further in custody is not required in the present case which is triable by the Court of Magistrate.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.02.2024 Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No