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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5316-2024
Date of decision : 01.03.2024

GAURAV RAIPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Govind Rana, Advocate and
Mr. Kanwar Abhay Singh, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.115 dated 13.11.2023 registered for the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 and Section 66-c of the IT Act, 2000 (added lateron) at Police Station Cyber Crime West, District Gurugram.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Reply by way of affidavit of Vipin Ahlawat, HPS, Assistant Commissioner of Police, Cyber, Gurugram has been filed on behalf of respondent/State, today in Court. The same is taken on record.

4. FIR was registered on the information supplied by one Durgesh Singh on behalf of Bharti Airtel. As per the allegations levelled in the FIR, the data of the company was analyzed by Telecom Regulatory Authority of India during which it was discovered that fake sim cards were issued by Shri Shyam Communication. On further investigation, it was revealed that the photo provided in the point of sale code was that of the present petitioner.

5. Counsel for the petitioner submits that the petitioner is behind bars since 24th of November, 2023 and as per custody certificate by now petitioner has undergone actual custody of 2 months and 28 days. Petitioner has clean antecedents. Challan already stands presented. Keeping in view that the nature of evidence is documentary or digital, there can't be any apprehension that the petitioner shall tamper with the evidence.

6. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

7. I have heard counsel for the parties and have gone through records of the case.

8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 01, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No