

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

205

CRM-M-35277-2023
Date of Decision: 22.01.2024

BALBIR SINGH @ BALVIR SINGH ...Petitioner

V/S

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.47 dated 01.06.2023, under Sections 420, 468, 471, 120-B of Indian Penal Code, registered at Police Station Ghagga, District Patiala (Punjab).
2. In view of the resolution passed by Bar Association of Punjab and Haryana High Court, there is no representation on behalf of the parties.
3. Short reply dated 09.10.2023 filed by way of affidavit of Daljit Singh Virk, PPS, Deputy Superintendent of Police, Sub-Division, Patran on behalf of respondent-State and the same is taken on record.
4. The perusal of the pleadings would indicate that the petitioner has sold sim cards to various persons as he was appointed as authorised Point of Sale (POS) seller and on the basis of AI based software solution, the department of telecom has conducted the verification of the sim on the

basis of subscriber data in the country and it was found that 26 mobile numbers have been issued on the basis of identity proof having same photographs, using fake name and proof. The case of the prosecution is entirely based on the documentary evidence which have already been taken into possession and petitioner is a disabled person with 60% (locomotor disability) as discernible from Annexure P-3. Vide order dated 24.07.2023, interim protection was granted to petitioner and it was directed that no coercive steps shall be taken against the petitioner. However, ASI Balbir Singh appears and submits that petitioner has not joined the investigation.

5. Reliance in this regard can be placed upon judgments of the Hon’ble Supreme Court passed in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Prabhakar Tewari Vs. State of UP and Another, 2020 (1) RCR (Crl.) 831; Maulana Mohd. Amir Rashadi Vs. State of UP and Others, 2012 (2) SCC 382.*

6. Keeping in view of the facts and circumstances of the case and also that petitioner is not involved in any other case, the present petition is disposed of with a direction to petitioner to join the investigation as and when called within a period of 04 weeks. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.

7. Disposed of accordingly.

(HARPEET SINGH BRAR)
JUDGE

22.01.2024

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No