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

CRM-M-16402-2024

Date of Decision: 20.01.2025

Ajay Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Jagdish Singh Mahal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0145 dated 21.12.2023, registered under Sections 420, 487, 120-B of IPC, at Police Station Division No.3, District Police Commissionerate, Ludhiana (Annexure P-1).
2. This matter was heard at length on 09.04.2024 and the following order was passed by this Court:-

“2. As per the case of the prosecution, the FIR in the present case was registered on the basis of the statement made by Jatinderjit Singh, proprietor of M/s Way Area Impex, Ludhiana, who used to send various articles abroad through courier service. On 18.12.2023, the petitioner/accused had booked a parcel to sent four jeans/pants to Cambodia. However, the pants/jeans were scanned through X-ray machines and 198 sim cards of various telecom companies were found in the parcel. Even these sims, were found to be in working condition.



3. During the course of arguments, learned State counsel submits that the only one accused i.e. the petitioner has been arrested and no action has been taken against any other person in the present case. Apart from that, sims which were to be used for the commission of some unknown crime abroad, belonged to different persons and were activated by using the papers of some other persons. However, neither such persons have been arrayed as accused nor the statements of such persons have been recorded as witnesses and the challan has already been presented before the competent Court in an exceptional hurry. The concerned DCP is directed to file his personal affidavit mentioning the following facts:-

(i) *The names and details of the persons, in whose name the sim cards were issued and the evidence collected in this regard by the police.*

(ii) *Whether all the persons, who had got the sim cards issued illegally, have been arrayed as an accused or witnesses in the present case, if yes, mention their complete address.*

(iii) *If such persons have not been arrayed as accused/witness in the present investigation, mention the reasons thereof for not arraying as an accused/witness and the name of the official, who had recorded the zimni orders in this regard.*

(iv) *Whether any application has been moved before the Competent Court seeking further investigation in the present case.*

(v) *Whether the customer application form of each sim card was obtained from the concerned telecom companies and whether any investigation was conducted by the police with regard to the involvement of the officials of the telecom companies, which had issued the sim cards.*



(vi) Whether the involvement of any international gang or any accused was investigated by the police in the present case.

Reply may be filed on or before the next date of hearing. In case, the reply is not filed before the next date of hearing, the concerned DCP shall personally remain present in the Court on the date fixed. The Investigating Officer of the present case is also directed to remain present in the Court along with the entire relevant record.

List on 25.04.2024.

A copy of this order be given to the learned State counsel under the signature of Bench Secretary of this Court for informing the concerned.”

3. After the said order, the various status reports have been filed by the State of Punjab from time to time. Even today, a status report has been filed by way of an affidavit of Assistant Commissioner of Police (Centra), Ludhiana and the same is taken on record. Learned State counsel submits that in the present case, the involvement of 8 accused has been found by the police and 05 accused have already been arrested by the police. He further contends that even efforts are being made to arrest the remaining accused. However, three accused are abroad and LOC has already been issued to secure the presence.

4. In view of the statement made by learned State counsel, no further directions are required to be passed by this Court and the present petition is disposed off. Still further, the interim order dated 05.07.2024, passed by this Court is made absolute. The petitioner shall continue to appear before the trial



Court on each and every date of hearing and shall not remain absent from the trial Court proceedings, without prior permission of the trial Court.

20.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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