

CRM No. M-6558 of 2020

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-6558 of 2020

Date of Decision : 03.06.2020

Shubham Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Padamkant Dwivedi, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The present petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of pre-arrest bail in respect of FIR No. 6 dated 02.09.2019, under Section 420 IPC read with Section 34 IPC and Section 66 of I.T. Act, 2000, registered at Police Station Punjab State Cyber Crime Police Station, SAS Nagar, District Crime Wing.

Learned counsel for the petitioner argues that petitioner has been unnecessarily roped in the present FIR and the allegations alleged against him are totally incorrect and false.

Mr. Ajay Pal Singh Gill, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, has filed status report of the investigation done so far keeping in view the order passed by this Court dated 14.02.2020. In the status report, it has been clearly mentioned in para 4 that the mobile having number-7992006700 from which the complainant received the fake call, is registered in the name of the petitioner and the said number was issued in favour of the petitioner

CRM No. M-6558 of 2020

2

after bio-metric verification of KYC subscriber i.e. the petitioner. Learned State counsel argues that once the petitioner is the registered owner of the said phone, which is in the centre of the controversy, the assertion of the petitioner that he is not related in any way to the controversy, is incorrect.

I have heard learned counsel for the parties and have gone through the case file very carefully.

Once the mobile phone, which has been used in the commission of the offence, is registered in the name of the petitioner and the said number has been issued after the bio-metric verification of KYC of the petitioner, it is the petitioner, who has to explain as to how the said number was used for the commission of the offence. Learned counsel for the petitioner has not denied during the hearing that said mobile number is being used by the petitioner. Moreover, the said phone is yet to be recovered. Keeping in view these facts, it is not a case where petitioner can claim that he is not related to the incident.

Once the recovery of the phone is to be effected, the custodial interrogation of the petitioner is necessary so as to find out as to whether petitioner is also involved in any other cases of the similar nature or not. No ground is made out to allow the petitioner the benefit of pre-arrest bail, hence the prayer is declined and the petition is dismissed.

Dismissed.

Nothing mentioned in this order will be taken as an expression of opinion on the merits of the case.

June 03, 2020

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No