



CRM-M-34601-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34601-2025

Date of Decision: 26.08.2025

NITISH GOYAL

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Rajat Singla, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is second petition for regular bail in case FIR No.136, dated 27.06.2022 (Annexure P-1), registered at Police Station Sarabha Nagar, District Ludhiana, under Sections 419, 420 and 511 of IPC and Section 66-C of Information Technology Act, 2000.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. The present case was registered on the basis of complaint given to the police by Harmanjit Singh Banga, Registrar, Guru Angad Dev Veterinary Animal Sciences University, Ludhiana with the allegations that some unknown persons were demanding money from University Teachers through Whatsapp from Mobile No.8872881597 after affixing his photograph and the Teachers informed him in this regard. He sought action against the culprits and the formal FIR was



registered. During investigation, it was found that the SIM Card was in the name of Harish Kumar who had purchased the same from Jai Ambey Telecom Samana, District, Patiala from its agent Kuldeep Singh. Harish Kumar disclosed that he had gone to Jai Ambey Telecom due to some problem in his SIM Card where dealer of the Company namely Raj Kumar Garg obtained his ID proof and got thumb impressions and SIM Card was replaced and at that time, Kuldeep Singh was sitting there. Said Kuldeep Singh disclosed that on 13.12.2021, he was sitting at Jai Ambey Telecom where Nitish Goyal was also present and after Harish Kumar changed his SIM Card, Nitish Goyal had activated SIM No.8872881597 on the basis of documents submitted by Harish Kumar. The petitioner was arrested on 17.02.2024 and after completion of investigation challan was presented on 15.04.2024 for trial.

4. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case. He is in custody since 17.02.2024. All the offences are Magisterial trial and the decision of the case is certainly going to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner is a habitual offender and he is involved in another FIR registered at Hyderabad where 300 SIM Cards and 4 slots were recovered. Petitioner was using Chinese VPN software and IMEI number of mobile phone cannot be traced due to use of this software and in view of gravity of offence, petitioner does not deserve concession of bail.



6. Petitioner is in custody since 17.02.2024 and all the offences are Magisterial trial. Out of the 7 witnesses cited by prosecution, 4 prosecution witnesses have been examined and 2 have been given up. The trial is certainly going to take some more time to conclude. It is well settled that bail is the rule and jail is an exception and pre trial incarceration cannot be used as a tool to punish an offender. The petitioner, thus, deserves to be released on bail

7. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

26.08.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No