

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.13069 of 2020
Date of Decision: June 23, 2020

Don Poka alias Gaston

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Priyanka Dalal, Advocate,
for the petitioner.

Mr. Sukhdeep Singh Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.65 dated 13.08.2019, under Sections 420, 177, 465, 120-B IPC, 1860, 66-C, 66-D I.T.Act, 2008 and Section 14 of Foreigners Act, 1946 added later on, registered at Police Station, Cyber Crime Police Station, Gurugram, pending trial. The petitioner is in custody since his arrest on 13.08.2019.

The FIR in question was registered on the statement of complainant, namely, Meenakshi, moved before the Cyber Crime Police Station, Gurugram, wherein it was alleged that she was registered at the matrimonial website "Jeewan Sathi". In July, 2019, she came in contact with Dr. Leo Rudra on the website and they started interacting with each other. The said person was to arrive in India and according to the allegations, on arrival a penalty of ₹48,300/- was imposed upon him, which was deposited

by her in an account provided by him and maintained at Kotak Mahindra Bank. The said person again demanded some money and on further demand, the complainant got suspicious and reported the matter to the police and when the petitioner contacted the complainant to receive the money on behalf of Dr.Rudra, he was arrested and the case was registered.

Learned counsel for the petitioner has argued that after registration of the case, it was found during investigation that main accused is Nonso, who had created a fake identity on the website in the name of Dr.Leo Rudra. She has pointed out that the alleged amount, which was deposited on his instructions, was deposited in the account of co-accused Lichumo Ovung. According to Ms.Priyanka Dalal, the main accused is yet to be arrested, whereas the petitioner is behind bars for the last 10 months. It is further submitted that the accused has already surrendered his passport, therefore, there are no chances of his absconding. It is prayed that no useful purpose would be served by keeping him behind the bars, particularly when the investigation of the case is complete.

On the other hand, learned State counsel, who is assisted by Inspector Om Parkash, does not dispute this fact that the petitioner had come to the complainant to receive the money when he was arrested. He submits that the investigation of the case is complete. According to him, the prosecution has already examined 3 witnesses out of total 14 witnesses. He fairly submits, on instructions, that the account wherein amount was deposited by complainant does not belong to the petitioner.

Considering the above background, the custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude in view of the global pandemic, namely, COVID-19, therefore,

further custody of the petitioner may not be necessary. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Gurugram.

The petition is allowed.

June 23, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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