

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.211

Case No. : CRM-M-34559-2022

Date of Decision : February 14, 2023

Neeraj Kumar Gupta		Petitioner
vs.		
State of Haryana		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Parmod Kumar Tiwary, Advocate
with Mr. Shatrughan Prasad, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.25 dated 26.04.2019, under Section 420 IPC and 66-D of the Information and Technology Act, 2000 (Sections 120-B, 204, 467, 468, 471 IPC, 1860 added later on), registered at Police Station Cyber Crime, District Gurugram.

The case in hand was registered on the basis of statement given by Authorized Signatory of PolicyBazaar Insurance Web Aggregator Private Limited. As per the allegations, few individuals/unknown persons have been defrauding on the pretext of renewal of insurance policies to the General Public by misrepresenting themselves as representatives of the PolicyBazaar while illegally exploiting the PolicyBazaar's name and logo

and thereby cheating and misleading the General Public across India. They used to call General Public from different mobile numbers by claiming themselves to be representatives of PolicyBazaar and inducing them to purchase policy from them. They have also created fake e-mail id and while using the same, misguided the General Public. After convincing the individuals, they used to ask these persons to transfer certain amount of money into their accounts on the pretext of issuing insurance policy. They used to display changed username while keeping their actual e-mail id the same. During investigation, it was found that the present petitioner and others were involved in the crime in question.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 11.08.2019. The case is triable by Magistrate. He is in custody for the period of more than three years and six months in this case. No other case is pending against him. The challan is already presented and trial is going on at a slow pace. The co-accused are on bail. Therefore, the present petitioner be also granted concession of bail.

Learned State Counsel, on the other hand, while opposing the prayer made by learned counsel for the petitioner, states that this is third bail petition filed by the petitioner. Some of the fraud money was transferred in the account of the petitioner. However, he has fairly conceded that the petitioner is in custody since 11.08.2019.

Heard.

Learned counsel for the petitioner has submitted that none of the bail petitions, earlier filed by the petitioner, was decided on merits by this Court.

Keeping in view the fact that the case is triable by the Court of Judicial Magistrate and even if the case is sent to the Court of Chief Judicial Magistrate, then the maximum imprisonment which can be given by that Court is of seven years. The petitioner has already undergone more than half of the sentence awarded to him. Co-accused of the petitioner are already on bail. The completion of trial will also take a long time. Therefore, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Gurugram.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 14, 2023
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>