

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37123 of 2023
Reserved on 06.09.2023
Date of Decision: 11.09.2023

Rakesh Kumar Yadav

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Deepanshu, Advocate and Mr. Vineet Bhanwala,
Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 of Cr.P.C, petitioner prays for grant of regular bail in case FIR No.0005 dated 25.04.2023 registered under Sections 120-B, 386, 419, 420, 467, 468, 471 and 506 IPC at Police Station Cyber Sonipat.

2. FIR was lodged on the complaint of Jitender Kumar son of Om Prakash, as per which he was using BINANCE application. On 14.04.2023, he received offer from a person registered with the name of Khan Traders for purchasing 1200 USDT valuing ₹1,07,400/-. The same were transferred in his account. In the evening of 18.04.2023, he received a phone call from mobile No.8375025798 and on the allurement and inducement of the caller, he (complainant) downloaded mobile application 1XBit.com. Thereafter, the complainant was informed that if he does online trading through the said application, he would earn profits. On the allurement of the caller, complainant deposited 6350 USDT having value of ₹5,65,000/- for which he also got ₹20,000/- transferred back in his account. He was then pressurised to deposit another 3850 USDT valuing ₹3,42,650/- and when he refused to do so, he was threatened that his nude photographs would be circulated

among relatives. In this way, complainant is alleged to have been defrauded.

3. During investigation, the records of the relevant bank account and mobile numbers were collected. It was found that Account No.881040467733 of DBS Bank, was in the name of Santosh Maurya, resident of Delhi. The call detail record and customer application form pertaining to the mobiles in question, from which the complainant had received the calls, also revealed the same to be in the name of Santosh Maurya. On further analysing the call detail records and IP addresses, it was found that the numbers were being used by petitioner Rakesh Kumar Yadav. Said Rakesh Kumar Yadav- petitioner along with Divya Kant were joined in the investigation on 14.05.2023 and formally arrested. Their disclosure statements were recorded. It was disclosed by petitioner that he had generated fake account at Binance application in the name of Santosh Maurya and had used this application to cheat the complainant. After completion of investigation, final report under Section 173 Cr.P.C has since been filed.

4. It is submitted by the learned counsel that the petitioner has been falsely implicated; that he is not named in the FIR, that bank account of the complainant do not reveal transfer of the amount of ₹5,65,000/-; that the documents collected by the Investigating Agency reveal the same to be in the name of Santosh Maurya, who has neither been impleaded as accused nor as a witness. Still further, it is contended that complainant Jitender has already furnished an affidavit that complaint was made due to misunderstanding and he does not want to further pursue the FIR. Learned counsel for the petitioner further submits that offences in question are triable by the Magistrate and that the petitioner is in custody for the last more than three months and that trial may take time to conclude and so, in all these

circumstances, he be allowed bail.

5. Learned State Counsel has opposed the petition by pointing out towards the gravity of the offence and alleging that international racket is operating with regard to the crypto currency and so, petitioner does not deserve to be granted the benefit of regular bail.

6. Petitioner is in custody for the last 03 months and 22 days till 05.09.2023 as per the custody certificate placed on record. Although, he is involved in three more cases as per the custody certificate but he is on bail in all those cases. Complainant Jitender has already given his affidavit Annexure P5 to the effect that complaint was given due to some misunderstanding and that matter has been amicably settled with the intervention of the respectables. All the offences in question are triable by the Magistrate. Trial may take time to conclude. In the circumstances, no purpose shall be served by keeping the petitioner detained.

7. Having regard to all the above facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned on usual terms and conditions.

September 11, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No