



213 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-4321-2024
Date of Decision: 22.07.2024

Rocky Kumar alias Priyanshu ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.02 dated 19.07.2022 registered under Sections 420, 120-B of IPC and Section 66-D IT Act, at Police Station Cyber West, Gurugram.

2. The FIR in the present case was registered on the basis of the statement made by Attar Singh Dalal son of Manphool Singh and the same has been reproduced below:-

“The brief contents of the FIR is that on 13.07.2022 one complaint was received by SHO, Cyber Crime, West Gurugram. Sir, I Attar Singh Dalal S/ Sh. Manphool Singh, resident of H.No.389, Sector 7, Gurugram. On 13.07.2022 I was present on my house and when suddenly SMS came on my mobile no 9871520412 from phone no. 7827452962 and it was written in the SMS that your electricity connection is not updated. But when I contacted on my phone, the person in front sent me a link which I



clicked/accepted, after that Rs.49539/- from SBI account number 000000010552337168 and Rs. 650000/- from my other bank INDUSIND account number 100066378117 were automatically deducted. The statements of both my bank accounts are attached. Action should be taken as per rules against the person who cheated me. sd- Attar Singh Dalal Location Police Station-Above complaint number 00013227114220071 DT.13.07.2022 PS Cyber Crime West Gurugram.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case only on the basis of suspicion and even till the presentation of challan, no admissible evidence could be collected against him. Learned counsel further contends that the petitioner was arrested in the present case on 24.10.2023 and is in custody for about 09 months. He further contends that even though, one more case was ordered to be registered against the present petitioner, however, the petitioner is on bail in the said case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime of cyber fraud. She further contends that the petitioner is a habitual offender, however, he is on bail in the other case.

5. I have heard the learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner is in custody for last about 09 months and all the offences are triable by the Court of Magistrate. Apart from that, in the present case, no witness has been examined so far and the



conclusion of the trial may take quite a long time. Even the petitioner is involved in one more case, but admittedly, he is on bail in the said case.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.



- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

22.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No