

CRM-M-3340-2024
Date of Decision: 09.04.2024

GULSHAN KUMAR
....Petitioner

VERSUS

STATE OF HARYANA
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Surender Saini, Advocate
for the petitioner.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.06 dated 25.04.2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 386, 506, 120-B of IPC at Police Station Cyber Crime, Sonipat.

2. As per the allegations appearing in the FIR, some unknown persons committed online fraud worth Rs.6,99,000/- against the complainant Sunil Kumar.

3. Counsel for the petitioner submits that FIR in this case was registered against unknown persons and thereafter petitioner was falsely nominated as accused and arrested on 22.08.2023 and is presently lodged in judicial custody and on completion of investigation, challan has been presented against him but it will take time for the trial to conclude and all the offences are triable by the Court of Judicial Magistrate First Class and the petitioner is having no criminal history.

4. Notice of motion.

5. Mr. Vishal Kashyap, DAG, Haryana accepts notice on behalf of the State and on instructions from ASI Sanjay submits that no doubt FIR in this was registered against unknown persons but during investigation name of the petitioner surfaced and consequently, he was arrested and is in custody for the last more than 7 months. Learned State counsel further submits that after completion of investigation, challan stands presented but till date only two prosecution witnesses are examined. The State counsel apprised the Court that arrest of the remaining accused is still pending and till date no recovery is effected in the present case.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate First Class and the petitioner is behind the bars for last more than 7 months and is having no criminal antecedents and is presently lodged in judicial custody and it will take time for the trial to conclude.

7. In the given circumstances, no fruitful purpose is going to be served by detaining the petitioner in custody for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

09.04.2024
Priyanka Thakur

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