

CRM-M-9089-2024 (O&M)

Date of Decision: 01.08.2024

Hardev Singh @ Gaurav

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
33	19.10.2023	Cyber Crime, Sonipat	420, 467, 468, 471, 120-B IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Sanjeev Kaushik, wherein he alleged that an amount of Rs.6,56,600/- had been withdrawn online from his Saving Bank A/c No.77340101011117 maintained with Sarva Haryana Gramin Bank during the period from 14.08.2023 to 26.09.2023 and that he never received any message in respect of said withdrawals.
3. It is further the case of prosecution that during the course of investigation, it transpired that the amount in question had been transferred to the bank account of the petitioner. When the petitioner was

apprehended, he made a disclosure statement to the effect that about a year ago, he became friends with complainant's daughter on Instagram and held out a promise of marrying her and taking her to a foreign country and thus, made her transfer the amount of Rs.6,56,000/- from his father's account through PhonePe to his (petitioner) Google Pay No.708270228.

4. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that in any case since investigation is complete and the petitioner has been behind bars since the last about 9 months and otherwise enjoys a clean record, he deserves the concession of bail.
5. Opposing the petition, learned State counsel submitted that since it is the petitioner, who is the beneficiary of defrauded amount, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and that he is not involved in any other case. It has also been informed that although challan stands presented, but no PW has been examined till date.
6. This Court has considered rival submissions.
7. Without commenting anything as regards the merits of the case, but having regard to the custody of the petitioner i.e. about 9 months and the fact that the trial has not even commenced till date, further detention of the petitioner, who otherwise enjoys a clean record, will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

01.08.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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