

ANKIT KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. P.S.Ahluwalia, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 23.09.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
66	06.03.2024	420, 120-B IPC and 66 D of Information Technology Act, 2000.	Cyber Crime East, District Gurugram.

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is having no concern with the alleged transactions nor was named in the FIR (Annexure P-1) but has been nominated on the disclosure statement of co-accused Jai Singh Shekhawat with whom the petitioner has no concern. He contends that the petitioner is not beneficiary of such transactions and is in custody since 17.04.2024, after completion of investigation, challan has already been presented in Court. Hence he prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel has opposed the bail application by arguing that the petitioner alongwith co-accused had actively participated in duping the innocent citizens by creating a fake Whatsapp link impersonating as the higher authorities of mutual funds thereby alluring the innocent citizens to invest money. He, however, admitted that as per reply submitted by the State the petitioner is not beneficiary of any such transactions and after completion of investigation challan has already been presented in Court and 11 witness have been cited by the prosecution and till date none of them has been examined.

6. After considering the rival contentions and perusing the record, it transpires that FIR was registered against unknown persons on allegations of duping innocent citizens to invest money in Mutual Funds by impersonating themselves to be higher authorities of Mutual Funds. Consequently, during course of investigation co-accused Jai Singh Shekhawat was arrested and he disclosed name of petitioner alongwith other co-accused. The petitioner was arrested on 17.04.2024, however no recovery was effected from the petitioner. During course of investigation it is



admitted fact that the petitioner does not happen to be the beneficiary of any such transaction as per reply submitted by the State. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 11 witnesses and till date none has been examined. The conclusion of trial to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time and no purpose would be served by detaining him in custody any longer.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case..

(SANJIV BERRY)
JUDGE

25.09.2024
Gyan

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |