

ROHAN KUMAR @ LUCKY Petitioner

STATE OF HARYANA Respondent(s)

Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. 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. 10 dated 07.04.2023 registered under Sections 406 and 420 IPC at Police Station Cyber Crime, Charki Dadri, District Charki Dadri.
2. The case of the prosecution in nutshell is that the petitioner alongwith other co-accused committed online fraud against complainant-Neetu and defrauded her of Rs.81,038/-. The petitioner was arrested by the Police on 17.06.2023.
3. The counsel for the petitioner while praying for grant of regular bail to the petitioner, *inter alia*, contends that the petitioner is falsely implicated in the present case and was not named in the FIR, which was registered against the unknown persons. It is further contended that the petitioner is in custody since 17.06.2023 and on

completion of investigation the police presented challan and that the trial is going on but it will take considerable time for the trial to conclude and all the offences are triable by the Court of Judicial Magistrate, 1st Class. It is further contended that the petitioner is having no criminal history.

4. The present petition is resisted by the State counsel who *inter alia* submits that the petitioner and other co-accused defrauded complainant of Rs.81,038/- by committing online fraud against her. It is further submitted that the trial is progressing ahead and already 8 prosecution witnesses are examined. However, the State counsel on instructions from H.C. Sandeep, has not disputed the fact that the petitioner is in custody since 17.06.2023 and presently the petitioner is in judicial custody and recoveries are already effected from accused persons including the petitioner.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and the FIR in this case was registered against unknown persons who committed online fraud against the complainant and defrauded her worth Rs.81,038/-. On completion of investigation, the police has presented the challan and now the trial is going on but it will take time for the trial to conclude. Further, the petitioner is having no criminal history.

7. In the given circumstances, no purpose is going to be served by detaining the petitioner in judicial custody.

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

09.01.2024
Priyanka Thakur

1. Whether speaking/reasoned:

2. Whether reportable:

Yes/No

Yes/No

(KARAMJIT SINGH)
JUDGE