

SUMIT MEENA

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

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

Present:- Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Lokesh Sharma, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of affidavit dated 22.02.2025, of Assistant Commissioner of Police, Cyber, Gurugram, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. Mr. Lokesh Sharma, Advocate has put in appearance on behalf of complainant and filed Vakalatnama, the same is taken on record.
3. The instant petition has been preferred by the petitioner under Section 48/3 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023,, for grant of regular bail in the following case (Annexure P-2):-

FIR No.	Dated	Sections	Police Station
218	02.11.2024	318(4), 319(2) of BNS and 66 D of Information Technology Act-2000.	Cyber (South) Gurugram, District Gurugram, Haryana

4. Arguments heard.

5. 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 has no concern with the allegations levelled in the FIR nor he has been nominated therein. The petitioner was allegedly nominated during investigation. He submits that petitioner is in custody since 28.12.2024 and after completion of investigation, challan has already been presented. He submits that during pendency of the proceedings matter has been compromised with the complainant vide Annexure P-4. Hence prayed for grant of concession of bail to the petitioner.

6. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that petitioner is involved in cyber crime and deserves no leniency. However, he has not disputed the fact that challan has already been presented in Court and petitioner is not having any criminal antecedents.

7. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered by the complainant that on receipt of Whatsapp message asking him to perform certain task while sitting at home and will earn out of it and in the process was asked to pay ₹30,000/- and ₹40,000/- on 30.09.2024 and 09.10.2024 with the assurance that he will get ₹1.98 lakhs in return, which was never paid to him. As such, has been defrauded him, on these allegations FIR was registered. During course of investigation, petitioner was nominated and arrested on 28.12.2024. After completion of investigation, challan has been presented in Court. It is pointed



out by learned counsel for the complainant that compromise (Annexure P-4) has been effected between the parties and complainant has no objection ,if bail is granted to the petitioner.

8. Even otherwise, from the perusal of record, it transpires that the petitioner is not named in the FIR but has been nominated during investigation. After completion of investigation, challan has already been presented in Court and conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time. Moreover, compromise has been effected between the parties.

9. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner any longer. 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.

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

(SANJIV BERRY)
JUDGE

24.02.2025

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