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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-224-2025 (O&M)****Date of decision : 5.2.2025**

Neeraj Kumar @ Shubham @ Machhi

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Anoop Kumar Yadav, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.38 dated 29.2.2024 registered under Sections 420, 120-B IPC and Section 66-D of I.T. Act at Police Station Cyber Crime Manesar, Gurugram.

2. The allegations in nutshell are that some unknown persons committed online fraud with the complainant and defrauded him of ₹ 30 lakh. During investigation, the present petitioner was arrested on 29.6.2024 and one mobile phone was recovered from him by the police.

3. Counsel appearing on behalf of the petitioner, *inter alia*, submits that the petitioner has nothing to do with the online fraud in question as is detailed in FIR. It is further submitted that the petitioner is not aware as to who deposited the amount of ₹ 2 lakh in his bank account. Counsel for



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the petitioner further submits that the petitioner is incarcerated for the last more than 7 months and that it will take time for the trial to conclude and the complicity of the accused persons will be unfolded only during trial; that in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. Present petition is resisted by the State counsel who *inter alia* submits that during investigation, it was found that out of the total amount in question, ₹ 2 lakh were deposited in the bank account of the present petitioner and with regard to said deposit, the petitioner failed to give any explanation or clarification. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 7 months and the trial will commence only after framing of charges.

5. Status report by way of affidavit of Priyanshu Dewa, Assistant Commissioner of Police, Cyber, Gurugram filed on behalf of the State is ordered to be taken on record along with Annexures R-1 to R-3. State counsel also apprised the Court that the petitioner is involved in two other criminal cases as is detailed in the status report filed on behalf of the State.

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

7. FIR in this case was registered against unknown persons who committed online fraud against the complainant. During investigation, the petitioner was arrested and he got effected recovery of one mobile phone. The petitioner is behind bars for the last more than 7 months. All the offences are triable by the Court of Judicial Magistrate, 1st Class. It will take time for the trial to terminate as till date, charges are not framed against the



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accused persons including the present petitioner. The exact role of the petitioner will be revealed only during trial. In the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

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

February 5, 2025
Paritosh Kumar

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