

**IN THE COURT OF DR. SAVITA KUMRI
ADDITIONAL SESSIONS JUDGE, KARNAL.
(UID No.HR-0260)**

CIS No. BA-2950-2024
Date of Institution : 24.10.2024
CNR No.HRKR01-001837-2024
Date of Order: 29.10.2024

Yogesh Manohar son of Dayal Chand Manohar, resident of Kishan Garh
Renwal, Jaiput (Rajasthan), age 24 years old.

.....Applicant-accused

Versus

State of Haryana.

.....Respondent

FIR No.12 dated 23.01.2024
Under Sections: 420 & 120B of IPC
Police Station: Cyber Crime, Karnal.

APPLICATION FOR REGULAR BAIL U/S 483 B.N.S.S.

Present: Sh. Dev Vrat Rana, Advocate for the applicant-accused
Yogesh.
Ms. Geetanjali, APP for the respondent-State assisted by
Sh.Ved Kaith counsel for complainant.

O R D E R

Applicant-accused has filed the present application for grant of regular bail under Section 483 B.N.S.S. in the above mentioned FIR on the ground that he has been falsely implicated in the present case.

2. Notice of the bail application was issued to the State. State filed the reply. Arguments on bail application have been heard.

3. In brief, facts of the prosecution case as per reply submitted by prosecution is that the present FIR was registered on the basis of application moved by Omvir Singh son of Chanderpal to HC Fakir Chand, P.S.Cyber

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Crime to the effect that he received his credit card through courier. At the same time, he received a telephonic call from mobile no.7973507837 that a fine of ₹ 2,500/- has been imposed upon him for getting the credit card insured or uninsured. Thereafter, without activating his credit card, on 16.1.2024, an amount of ₹ 99,445.50/-, ₹ 96401.25/-, ₹ 44,709.00/-, ₹ 44,709.00/- (total amounting to ₹2,85,264.75/-) was got released by some unknown person. He approached the police to take legal action against the culprits.

4. Thereafter, formal FIR was registered and the investigating agency swung into action. During the investigation, accused was joined in the investigation of the present case. Disclosure statement of accused was recorded. Thereafter, accused was arrested. On completion of the investigation of this case, challan was submitted in the Court against present accused.

5. Learned counsel for the applicant-accused has contended that earlier the bail application moved by the accused has already been dismissed by the learned Illaqua Magistrate vide order dated 24.09.2024 for want of arrest of main accused and completion of investigation. It has been further argued that the abovesaid FIR has been registered falsely and accused has been arrested falsely at the instance of complainant on 16.07.2024 and he is in custody since

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then. Applicant-accused has no connection with the offence in question qua present FIR. Investigation has been completed and Challan has been prepared and submitted in this case accordingly. Applicant-accused is no more required by the police for investigation or interrogation and nothing is to be recovered from him. Applicant-accused is sole bread earner of his family and except him there is no one to look after his family. There is no apprehension of absconding or tampering with the record or threat to witnesses on the part of the accused and trial of the case will take long time. Therefore, accused is entitled for concession of bail.

6. On the other hand, learned Public Prosecutor has opposed the bail application on the ground that the arrest of co-accused Shivraj Bhati is yet to be effected. It has been further argued that the accused is also found involved in an another FIR no.45 dated 25.4.2024 under section 420 IPC, P.S.Sector-17, Cyber Crime Central, Faridabad. It is further submitted that releasing the petitioner-accused at this stage would facilitate him to hamper the evidence or jump the bail. Learned APP for the State finally prayed for dismissal of the instant bail application.

7. I have heard learned counsel for the accused as well as learned Public Prosecutor for the State and carefully examined the

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record.

8. In the present case, it is revealed that complainant got prepared a credit card. However, an amount of ₹ 2,85,264.75/- was illegally withdrawn from said credit card. Accused is also one of the person who has taken benefit from said amount and thus committed cheating for dishonestly receiving the amount. It is stated that an amount of ₹ 90,000/- came into the share of accused Yogesh. Complainant got compromised the matter with said applicant/accused in panchayat and received ₹ 90,000/-. The legality of said compromise is not commented upon but recovery of ₹ 90,000/- has been effected from present accused as per version of complainant. Accused is in custody since 16.07.2024 and his bail was already dismissed by the learned Trial court vide order dated 24.09.2024 and investigation against said accused has already been completed and challan has been filed in the trial court on 16.09.2024. Trial of case shall take a long time and there will be served no purpose by keeping the accused behind the bars. The pendency of another FIR does not prove anything against accused as there is no conviction order passed till date. Therefore, keeping in view the facts and circumstances of the case as well as allegations against accused, without commenting on the merits of the case, accused is entitled for release on bail,

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subject to furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of learned Trial Court/Illaqa/Duty Magistrate.

9. A copy of this order be forwarded to learned Trial Court/Illaqa Magistrate/Duty Magistrate for compliance. File be consigned to the record room after due compliance.

Pronounced in open court.
Dated:29.10.2024

(Dr. Savita Kumari),
Additional Sessions Judge,
Karnal(UID No.HR-0260)

Note: Each page of this order has been
checked and signed by me.

Pronounced in open court.
Dated:29.10.2024

(Dr. Savita Kumari)
Additional Sessions Judge.
Karnal(UID No.HR-0260)

(Anita Kapoor, Stenographer G-I)

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