

CNR No. HRFB01-011440-2023

CIS No. BA/3548/2023

Jatin Arora Vs. State of Hr.

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HRFB010114402023



Presented on : 08-09-2023

Decided on : 13.09.2023

**IN THE COURT OF AMRIT SINGH, ADDITIONAL SESSIONS
JUDGE, FARIDABAD. (UID-HR0168)**

Jatin Arora son of Harish Chand Arora, r/o House no.2108, Air Force
Road, Jawahar Colony, Faridabad.

.....Accused/applicant

Versus

State of Haryana

.....Respondent

**Ist Bail application under section 439 Cr.P.C. in case
FIR No.243 dated 15.05.2023 under sections 420, 406,
506, 201 IPC, Police Station Saran, Faridabad.**

Argued by: Sh. Vijay Sharma, counsel for accused/applicant.
Sh. Net Ram, Public Prosecutor for State.
Sh. Vijay Singh, counsel for complainant

ORDER

This order of mine shall dispose of an application
filed by the accused-applicant seeking regular bail in the aforesaid case.

2. Notice of the application was given to the State
through Public Prosecutor of this court and reply to bail application filed.

(Amrit Singh)
Addl. Sessions Judge,
Faridabad (UID No. HR0168).

3. The allegations against the present accused are that complainant that on 02.05.2023 complainant Dhruv Bainsla moved a complaint alleging therein that one Jatin Arora was known to him and he had helped said Jatin Arora in finding job. In December, 2022, Jatin Arora told him that he was now working in Apple company and being employee he can get 40% discount while purchasing products. Complainant requested him to get discount on total cost of three products amounting to Rs.1,17,144/- and for that Jatin Arora asked for credit card details. As Jatin was known to him, he provided said details to him and thereafter he asked for OTP on various occasions stating that previous payment was not deposited in the account of company and all these amount will be refunded to him in 10 days from company. Jatin made all these payments through Spy Track Pvt. Ltd. (payment gateway). He also sent him copy of cheque of company assuring that said cheque shall be deposited in the account of complainant. Later on complainant came to know that said cheque was not of Spy Track Pvt. Ltd. (payment gateway). In this way, Jatin Arora cheated him and withdrew an huge amount of Rs.9.5 lacs. Jatin kept on assuring him that products will be delivered to him within one month and balance amount shall be deposited in his account but of no result. Besides above, Jatin has also got an amount of Rs.56,444/-from him. Jatin had given cheque of Rs.8,82 lacs from his personal account but said cheque also got dishououred. Jatin threatened to kill him if matter was reported to the police. Complainant alleged that one Rahul was also involved with Jatin in this matter. A penal action was prayed for. On the basis of complaint, present FIR was registered. Investigation was set into motion. The accused/applicant was arrested on 02.09.2023.

(Amrit Singh)
Addl. Sessions Judge,
Faridabad (UID No. HR0168).

4. Ld. Counsel for the applicant has argued that the accused is an innocent person and falsely implicated in this case at the instance of complainant. He argued that it is unbelievable that accused would ask for transaction of same payment on many occasions especially when credit card belonged to the complainant and payment was being deducted from the account of complainant. He argued that infact accused had taken some loan from the complainant but he never committed any fraud. He further argued section 406 and 420 of IPC are anti-thesis and cannot be put together and investigating agency is not sure as to under which section accused has to be prosecuted. During arguments, counsel for accused relied upon judgment of Hon'ble Supreme Court of India in ***criminal appeal no.2207 of 2023 titled 'Md.Asfak Alam Vs. The State of Jharkhand and another'*** decided on 31.07.2023 and submitted that in the said judgment, it has been directed by Hon'ble Supreme Court that Magistrate while authorizing detention of the accused shall peruse the report furnished by the police officer in compliance with terms issued by the Appellate Court and only after recording its satisfaction, shall authorise the detention and shall also give reason for detention of the accused in which punishment is less than seven years.

Ld. Counsel further submitted that conclusion of investigation and submission of challan will take long time to conclude and no useful purpose will be served by keeping the accused/applicant further in custody. The counsel has also submitted that the accused is in custody since 02.09.2023 and there is no apprehension that accused will abscond from the trial, therefore, accused may be granted bail.

(Amrit Singh)
Addl. Sessions Judge,
Faridabad (UID No. HR0168).

5. On the other hand, ld. Public Prosecutor on behalf of the State assisted by counsel for complainant vehemently opposed the bail application and submitted that the present accused is involved in a cyber crime who not only cheated the complainant but also played fraud with him by taking advantage of good faith and withdrew a sum of about 10 lacs from his account. He submitted that four more cases of similar nature are registered against accused. Ld. Public Prosecutor has further submitted that this type of crimes are increasing day by day and if the present accused is granted bail, it may give wrong signal in the society and he will commit another offence of similar nature. In these circumstances, the accused is not entitled for bail and his bail application may be dismissed.

6. I have heard learned counsel for the accused learned Public Prosecutor on behalf of the State assisted by counsel for complainant and also taken into consideration the contentions raised by both of them.

7. In the present case, it reveals that the present accused has been involved in cyber crime. He not only cheated the complainant but also by taking advantage of good faith and past relations, played fraud upon him by withdrawing a huge sum of about Rs.10 lacs from his account under the garb of getting discount. The law referred by counsel for accused is not applicable in the present case as accused is already in custody. There is a chain of persons who are indulged in this cyber crime. In these circumstances, this court is of the view that the cyber crime is increasing day by day and by committing the alleged offence, the accused persons have caused financial loss to the complainant. Persons such like complainant are being cheated under different pretexts and their hard

(Amrit Singh)
Addl. Sessions Judge,
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earned money is being siphoned by committing such crimes. Investigation is still going on in this case, challan has not been filed as yet and co-accused have not been arrested as yet. Therefore, without commenting on the merits of the case and keeping in view the serious allegations against the accused, this court finds no merit in the present bail application and same is hereby dismissed.

8 The observation made in the order is only for the purpose of decision of the bail application and would not effect the merit of the case. File be consigned to the record room.

Announced in open court
Dated: 13th September, 2023

(Amrit Singh),
Addl. Sessions Judge,
Faridabad UID No-HR-00168

Note: All five pages of this order have been checked and signed by me.

(Amrit Singh),
Addl. Sessions Judge,
Faridabad UID-HR-00168

Veena Madhan

(Amrit Singh)
Addl. Sessions Judge,
Faridabad (UID No. HR0168).