

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: October 27, 2016

1. CRM M-31648 of 2016

Meenakshi

.....Petitioner

Vs.

U.T. Chandigarh

.....Respondent

2. CRM M-31658 of 2016

Bijender Kumar

.....Petitioner

Vs.

U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Manvender Rathi, Advocate
for the petitioners in both cases.

Mr. R.S. Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate and
Mr. J.S. Toor, Addl. PP for UT, Chandigarh.

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M.M.S. BEDI, J.

This order will dispose of two petitions bearing CRM M-31648
and M-31658 of 2016 for grant of pre-arrest bail. The FIR was registered on

the basis of a complaint of Surjit Singh, IPS, to the effect that the co-accused of the petitioners, namely, Dinesh Kumar Yadav was arrested in one FIR No. 5 dated May 24, 2016 and during the course of investigation it was found that he was the main conduit and was accomplice of Mithilesh Pandey @ Guruji who was mastermind in leakage of the question paper prior to the examination of various posts of candidates, at Lucknow. During the course of investigation it was also revealed that the question papers for the posts of JBT and TGT in Chandigarh were also leaked.

So far as petitioner Meenakshi is concerned, she is not named in the FIR. She has been involved in the case on the basis of the disclosure statement of co-accused Dinesh Kumar Yadav alleging that petitioner Meenakshi was one of the beneficiary of the leaked paper and was successful candidate and is wife of co-accused Bijender Kumar.

So far as petitioner Bijender Kumar is concerned, he had allegedly on asking of co-accused Dinesh Kumar Yadav, contacted Satish and Baniya who were running coaching centers and then arranged 24 to 25 candidates of JBT/ TGT posts after taking Rs.7 lacs each from them and took them to Lucknow. Accused Bijender Kumar has played main role in the leakage of the examination paper by actively participating in the scam.

So far as petitioner Meenakshi is concerned, she is wife of Bijender Kumar. She being a lady having passed the examination can be granted the concession of pre-arrest bail as it will be debatable whether she

has been successful solely on the basis of her merit or on account of the criminal involvement of her husband Bijender Kumar.

Petition bearing **CRM M-31648 of 2016 is allowed** and it is ordered that in case of arrest of petitioner Meenakshi she will be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioner will join investigation as and when required by the police and that she will not tamper with the evidence or hamper the investigation in any manner.

So far as petitioner Bijender Kumar is concerned, no doubt he has joined investigation but the questionnaire submitted to Meenakshi indicates that the involvement of her husband Bijender Kumar is writ large and the custodial interrogation of petitioner Bijender Kumar is necessary for the fair investigation of this case.

In view of the above, the petition bearing **CRM M-31658 of 2016 filed by petitioner Bijender Kumar is thus dismissed.**

Nothing said in this order will prejudice the rights of petitioner Bijender Kumar to seek the concession of regular bail.

October 27, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.