

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 34813 of 2015 (O&M)

Date of Decision: 19.01.2016

Sandeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Malik, Advocate
for the petitioner.

Mr. Kuldip Tiwari, Addl. A.G., Haryana
for the respondent/State assisted by
ASI Narender Singh, Member SIT, CIA-II, Rohtak.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 110, dated 04.05.2015, for the offences punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 66 (A) of the I.T. Act, registered at Police Station P.G.I.M.S., Rohtak, District Rohtak.

On secret information regarding leaking of questions of All India Pre Medical Entrance Test (for short 'AIPMET') Examination, four non-applicants/co-accused persons, namely, Bhupender, Rajesh, Sanjeet and Ravi were apprehended in a car at Rohtak, leading to the lodging of aforesaid FIR.

The entire execution of the crime was unraveled by the disclosure statement of non-applicant/co-accused-Bhupender.

During the investigation, it has come to surface that nine accused persons including one main accused-Roop Singh Dangi (who is

yet to be arrested) alongwith his co-accused/non-applicants, namely, Sunny, Rajesh, Sanjeet, Ravi, Sonu, Krishan, Naveen and Rakesh Gulia hatched the plan to leak the examination at the house of Roop Singh Dangi, fifteen days prior to the examination to be held on 03.05.2015.

Non-applicants/co-accused-Parimal Koth, Dharmender and Rajesh apart from the examinee and their relatives have since been granted bail by the trial Court, whereas non-applicant/co-accused-Subhash Srivastav has been granted regular bail by this Court.

The petitioner was involved in selling of seventy SIM Cards on bogus IDs, which were used in transmitting the questions and answer keys to the examinee-clients undertaking the 'AIPMET' Examination in the Examination Hall.

Learned counsel for the petitioner contends that the petitioner is engaged in the business of selling the SIM Cards and merely by selling of seventy SIM Cards allegedly on bogus IDs, cannot be said to be involved in the present crime by virtue of the conspiracy. He further contends that the petitioner is in custody since 25.05.2015 and after completion of the investigation, challan has been presented on 31.07.2015 and charges have also been framed on 08.10.2015. He further submits that the case is triable by a Magistrate and, therefore, prayer is for grant of regular bail.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case.

Learned State Counsel, assisted by ASI Narender Singh, does not refute the aforesaid factual position, however, contends that in light of the gravity of the offence, the petitioner is not entitled for grant of regular bail. He further submits that main accused-Roop Singh Dangi is yet to be arrested and investigations qua him are still pending,

however, at this stage, there are fifty-two (52) listed witnesses of the prosecution. A reply dated 18.01.2016 on behalf of the prosecution has also been filed and taken on record.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; no other case is pending against the petitioner and the fact that the trial is not likely to be concluded in near future, the petitioner cannot be kept in custody for indefinite period, moreso, when the case is triable by a Magistrate.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing adequate sureties to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

January 19, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**