

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37432-2016

Date of Decision : 07.12.2016

Parmeshwari Hooda and another

.....Petitioners

versus

State of Haryana

.....Respondent

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

Present: Mr. J.S. Bedi, Senior Advocate, with
Mr. Sonpreet Brar, Advocate,
for the petitioners.

Mr. C.S. Bakhshi, Additional A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

I have heard learned counsel for the petitioners as well as learned counsel for the complainant and the investigating officer.

The petitioners are ladies. The allegations against petitioner No. 1 are that in the capacity as District Elementary Education Officer, Rohtak, she had made an attempt to help petitioner No. 2, being daughter-in-law of petitioner No. 1, to get advantage of the leaked paper at the centre of examination, Rishikul Vidya Mandir, Sonapat.

The investigating officer, on the basis of the police file, informs that the petitioners, though are not related to the leakage of the paper directly, but their involvement is established on the basis of the statements of their co-accused, including Rajiv Dahiya, Surrender

Mahela and Rajpal.

The culpability of the petitioners will be a debatable issue as neither the examination had been conducted nor petitioner No. 2 was benefited from the alleged misconduct of petitioner No. 1. Petitioners being ladies and having joined the investigation, can be granted the concession of pre-arrest bail as there does not appear to be a case of custodial interrogation, qua them.

In view of the above, the petition is allowed and it is ordered that in case of arrest of the petitioners, they shall be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the arresting officer subject to the following conditions:

1. petitioners will join the investigation as and when required by the police; and
2. they will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

December 07, 2016
apurva

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No