

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 38914 of 2015 (O&M)
Date of decision: 14.3.2016

Subhash Duggal

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. RK Girdhar, Advocate.
Mr. CS Bakshi, Addl.A.G. Hry
Mr. Anoop Mor, complainant in person.

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Anoop Mor alleging that the petitioner was assigned the duty of an invigilator in examination of JIET Colleges. The petitioner had allegedly received a sum of Rs.5000/- from Vikas Mor and two others in lieu of permitting cheating in the examination, held in December, 2014.

The complainant has himself appeared in person to oppose the petition for pre-arrest bail.

Learned State counsel has referred to the police file, in which audio recording has been referred to regarding the conversation between Vikas Mor, Sanjay Mor and the petitioner.

I have gone through the police file. The incident pertains to December, 2014. The inquiry was conducted and on the basis of the same, the FIR was registered on 3.11.2015. The complainant and the learned

State counsel have submitted that it is established from the audio and video recordings that Sanjay Mor had paid a sum of Rs.5000/- and vikas Mor had asked the petitioner on telephone, the amount to be paid by him. Statement of Parveen seems to have been recorded u/s 161 Cr.P.C. A perusal of the police file indicates that during inquiry, the investigating agency has arrived at a conclusion that the complainant and the petitioner are posted at same Govt. College and have got professional rivalry and indulged in leg pulling. Both were indulged in making allegations and counter allegations against each other. The allegations against the petitioner, if seen from the academician point of view, no doubt are very serious but for constituting an offence u/s 7 and 13 of the Prevention of Corruption Act, the standard of proof required for conviction is higher than the mere allegations. There are contradictory affidavits by Vikas Mor and Sanjay Mor, which are sufficient enough at this stage to arrive at a conclusion that a dual version has cropped up qua the petitioner. The complainant, present in the court, informs that on the basis of the conduct of the petitioner, he has been debarred from holding any responsible post in the examinations. The circumstances do not warrant sending the petitioner behind bars as the investigation is still in progress and the authenticity of the evidence collected is controversial. The petitioner has joined the investigation. He is working as an Assistant Professor in the Govt. College. Chances of his absconding are remote.

Accordingly, the petition is allowed and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that he will join

the investigation as and when required by the police and will not tamper with evidence or hamper the investigation. Nothing said in the order will effect any departmental proceedings or the investigation in any manner. Anything observed in this order is only meant for adjudication of the present pre-arrest bail petition.

March 14 ,2016
TSM

(M.M.S.BEDI)
JUDGE

