

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

**CRM-M No.17091 of 2019 (O&M)
Date of Decision: 15.07.2019**

Gurdeep Dass

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana
for the respondent/State.

Ms. Suman Sagar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.47 dated 20.02.2019, under Sections 420, 419, 120-B of the Indian Penal Code, 1860, registered at Police Station Urban Estate, Hisar.

This Court, while issuing notice of motion on 12.04.2019, passed the following order:-

“ Learned counsel for the petitioner contends that only allegation against the petitioner is that he sat in examination in place of one Sumit son of Rajesh and by clicking photographs of the question paper through some electronic devise, sent the same outside the examination centre. The answer to those questions were sent back to the petitioner

by said Sumit. The petitioner attempted those questions and topped the exam. However, after few days the question papers sent by the petitioner outside the examination centre became viral on internet and attributes of the viral photo copy matched with those of the question paper; taken back from the petitioner. It is submitted by counsel for the petitioner that, in any case, the examination in which the petitioner is alleged to have taken the exam in place of Sumit, already stands cancelled. Therefore, the ingredients of the offence under Section 420,419 and 120-B IPC are not made out.

Notice of motion for 15.07.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned Counsel for the petitioner has submitted that in terms of above order, petitioner has joined the investigation.

The factum of joining the investigation is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court, but he opposed the bail while submitting that the mobile in question, which was used by the petitioner, has not been got recovered, rather he made available some other mobile set.

There is no dispute that petitioner has joined the investigation in terms of order dated 12.04.2019, passed by this Court and entire record including the photographs of the candidates pertaining to the recruitment test held on 10.02.2019 for the post of Messenger is available with the complainant and thus, the same can be made available for the Investigating

Officer. Even otherwise, learned State Counsel is not able to point out the particulars i.e. IMEI number of the mobile, which is to be recovered from the petitioner for commission of any offence.

In view of above, interim order dated 12.04.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

July 15, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No