

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28978 of 2019
Date of Decision: 17.07.2019

Rahul Kumar and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Arpinder Singh Sidhu, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.56 dated 14.05.2019 registered for offences punishable under Sections 419, 420 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Dasuya, District Hoshiarpur.

Heard.

Notice of motion.

On asking of the court, Mr. Arpinder Singh Sidhu, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, petitioners, Rahul Kumar and Hitesh Kumar, had appeared in place of candidates, who had applied for their appointment as Beldar in Civil Supplies Department of Army at the time of physical test. This fact came to notice when candidates, namely,

Raghwant Singh and Ravinder Singh, appeared to take their written test and their thumb impressions did not tally with thumb impressions taken at the time of physical test using biometrics system. In their disclosure statements, petitioners have stated that they had appeared for the actual candidates after receiving money from them.

The petitioners were arrested in this case on 14.05.2019 and after completion of investigation challan against them has been presented in Court.

Without expressing any opinion on merits of the case but keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, Rahul Kumar and Hitesh Kumar, are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

July 17, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No