

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55009-2018 (O&M)

Date of decision:23.01.2019

Vijay Kumar Punia

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Virinder Singh Punia, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

Kuldip Singh, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for granting regular bail to the petitioner in case FIR No.92 dated 05.04.2018 (Annexure P-1) under Sections 384, 406, 420, 120-B of Indian Penal Code, 1860 and Sections 7, 8, 10, 12, 13, 49 and 88 of P.C. Act 1988, registered at Police Station City Narwana District Jind.

Reply of Rajbir Singh, HPS Deputy Superintendent of Police, CMFS, Hisar on behalf of respondent-State along with Annexure R-1 (true translation of witness Suresh Kumar recorded under Section 161 Cr.P.C.) and Annexure R-2 (details of recorded conversation of CD) has been filed in the Court today and the same is taken on record.

Perusal of the reply shows that allegations against the petitioner are that he used to contact various persons who were desirous of getting government job to be selection made through Staff Selection Board, Haryana. Thereafter, he will collect money from the said desirous candidates and pay

the same to Suresh Kumar/co-accused who will further pay the same to Dinesh who were claiming to have contacts with some people in the Staff Selection Board, Haryana. It is claimed that nine such candidates were got selected. One of them namely Suresh Kumar Patwari was examined under Section 161 Cr.P.C. and his statement has been produced, in which, he has supported the prosecution case regarding being contacted by the Suresh Kumar-accused who is also working as a Junior Lecturer in Government High School, Badanpur. The said Suresh Kumar witness who is undergoing Patwari training after his selection through Staff Selection Board, Haryana, stated that he paid Rs.5 lac and was given 20 marks out of 25 in the interview. In written test, he obtained 162 marks out of 200 marks and he was selected. In this case, police has arrested three persons namely Suresh Kumar, Dinesh @ Bobby and Vijay Kumar Punia. Dinesh was granted bail by this Court vide order dated 05.12.2018 while Suresh was granted bail by the Co-ordinate Bench vide order dated 09.08.2018 (Annexure P-8).

State has filed the reply along with call details to show involvement of the petitioner who is in custody since 05.09.2018.

Challan against three persons namely Vijay Kumar Punia, Suresh Kumar and Dinesh @ Bobby has been presented and case is fixed for today before the trial Court. Though, on account of custody period and the parity, petitioner is entitled to be released on bail but it appears to be 'cash for job scam' involving some functionaries of Staff Selection Board, Haryana. Unluckily, the police has not gone further into the matter to find out which of the functionaries of Staff Selection Board, Haryana were involved in the crime because the selections cannot be obtained without the connivance of

some functionaries involved in the selection process.

Considering the entirety of facts and custody period and the parity, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. One lac with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions:-

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Accordingly, the petition stands allowed.

However, considering the magnitude of scam and the fact that the police appears to have not carried out the investigation in impartial manner and attempt has been made to protect some functionaries of Staff Selection Board, let the Standing Counsel for CBI be notified for the next date and the State counsel also prepare for arguments the point why the further investigation be not referred to CBI.

List on 31.01.2019.

(KULDIP SINGH)
JUDGE

23.01.2019
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No