

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

Criminal Misc. No.M-4654 of 2021(O&M)

Date of Decision: February 15, 2021

Jitender alias Jita

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.D.S.Matya, Advocate
for the petitioner.

Mr.Tapan Kumar, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.7 dated 10.01.2021 registered under Sections 419, 420, 120B of the Indian Penal Code and Section 66D of the Information Technology Act, 2000, at Police Station Civil Lines, Hisar, District Hisar.

The FIR was lodged on the complaint of the Center Superintendent of Dhulipala Examination Centre for the post of Gram Sachiv (Panchayat Secretary). He stated that on checking it was found that one Amit had appeared in place of Rakesh Kumar having Roll No.9191628311 in the examination for Gram Sachiv in Room No.10 in Evening Session. On search of Amit a bluetooth device was recovered.

Mr.Tapan Kumar Yadav, Deputy Advocate General, Haryana stated that accused Amit and Rakesh were arrested. On search of accused

Rakesh one wireless set along with battery and one adapter of wireless set and one mobile phone having SIM No.74711-86245 was recovered from his trouser. During the course of investigation accused Naveen was arrested on 11.01.2021. On 12.01.2021 Jitender @ Jitu and Parvesh s/o Ishwar Singh were arrested along with Swift Dzire Vehicle bearing Reg.No.HR51A/6360. On its search one laptop of HP, one lead charger of laptop, one computer CPU, one keyboard, one mouse, one computer LED of Dell company, two leads and two empty bags were recovered. Two android phones were also recovered from Jitender. On questioning Parvesh, he stated that he had connived with Jitender r/o Jind (petitioner) who had been running a Coaching Center by the name 'Career Path' in HUDA Complex in the year 2015. After taking huge amount from the candidates the petitioner sent the answer keys of the papers of Gram Sachiv of Morning and Evening Sessions from his mobile numbers 90500-17775 and 82958-89101 on the mobile numbers of Jitender @ Jitu s/o Ram Kumar having mobile numbers 72066-98639 and 86848-99275 through whatsapp.

Ld. Counsel for the petitioner had argued that the exam has since been cancelled. Accused Rakesh who impersonated Amit at the examination has been granted the benefit of anticipatory bail. The petitioner is an agriculturist he has no concern or connection with the alleged leakage of the papers and is being falsely implicated. He categorically asserted that there has been no contact from his mobile No.90500-17775 on the mobile nos of accused Jitender @ Jitu s/o Ram Kumar as alleged. The other mobile having number 82958-89101 does not belong to him.

Mr. Yadav on instructions from the Investigating Officer stated that it has come out that at least two calls were made from mobile No.

90500-17775 of the petitioner on the mobile of the co- accused Jitender @ Jitu s/o Ram Kumar on 07.01.2021 and 09.01.2021. It is significant that the exam was held on 09.01.2021 and 10.01.2021.

Mr. Yadav has contended that the mobile phone through which the answerkeys had been sent through whatsapp needs to be recovered. It also needs to be investigated as to from where the petitioner had received the answer keys and the names of the other candidates to whom the answer keys had been sent.

Considering the allegations and the role of the petitioner as has come out during the investigation, in my opinion the petitioner does not deserve the concession of anticipatory bail.

Accordingly this petition is dismissed.

February 15, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No