

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

210

CRM-M-4054-2020.

Date of Decision: 08.03.2021.

Nitish

....Petitioner.

Versus

Union of Territory, Chandigarh

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Gurpreet Singh, Advocate for petitioner.

Mr. Rajiv Vij, Additional Public Prosecutor, Chandigarh.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Nitish** for grant of regular bail in case FIR No.291 dated 05.12.2019 under Sections 120-B, 420 and 511 IPC, registered at Police Station Sector-31, Chandigarh.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that neither the alleged question paper was leaked nor the examination was cancelled or even postponed. He further submits that no money transaction ever took place and it is not even the case of prosecution that money is to be recovered. He further submits that petitioner is in custody since 05.12.2019 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that challan has already been presented in Court and

purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned counsel for respondent-UT while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

Custody certificate filed on behalf of respondent-State is taken on record.

I have heard learned counsel for the parties and carefully gone through the records.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 05.12.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Nitish** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Chandigarh, as the case may be.

(LALIT BATRA)
JUDGE

08.03.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No