

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 5697 of 2021 (O&M)

Date of decision : 9.2.2021

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Gurpreet Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Madan Sandhu, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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**H. S. Madaan, J.**

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been filed by petitioner Gurpreet Singh, aged about 20 years son of Gurbaksh Singh, resident of Village Rori, Tehsil and District Sirsa, an accused in FIR No. 370 dated 5.11.2020, for offences under Sections 419, 420 IPC (Sections 467, 471 IPC added later on), registered at Police Station Sadar, Sirsa.

Brief facts of the case relevant for the purpose of decision of

the present petition are that, on 5.11.2020, at 3.40 P.M. Mr. Rajiv

Parshad, HCS, Secretary, Haryana School Education Board, Bhiwani, went to OHS Shahpur Begu Centre No. 31, for inspection, where examination of 10<sup>th</sup> Class, English subject was scheduled to be held between 2.00 P.M. to 5.00 P.M. On checking of the Roll numbers, it was found that one Gurwinder Singh s/o Ajayab Singh resident of Rori, was appearing in place of Gurpreet Singh – present petitioner. Whereas one Sachin was appearing in place of Om Parkash. Another unknown boy, who managed to run away was there to take up examination in place of Jaiveer. Rajendra Kumar was appearing in place of Krishan Kumar, Ashok Kumar was appearing in place of Samar Singh, Akshay Kumar in place of Vikram, Chander Mohan in place of Anil Kumar and Salman in place of Rinku. In total 8 impersonators were found. One of them had managed to run away, whereas remaining 7 were apprehended.

The matter was reported to the police, on the basis of which formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions at Sirsa, by moving an application for pre-arrest bail. However, his such application, which was assigned to Additional Sessions Judge, Sirsa, was dismissed vide order dated 23.1.2021. Feeling dissatisfied, he has knocked at the door of this Court, craving for grant of similar relief, which prayer is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The allegations against the petitioner are very grave and serious, in as much as, he had manipulated the things, so as to take up 10<sup>th</sup> class English Examination through an impersonator, namely, Gurwinder Singh s/o Ajayab Singh r/o Rori, under Roll No. 1815210758. Seven other similar cases were detected. Such act and conduct of the petitioner cannot be taken lightly. He wanted to clear the examination through some impersonator by playing fraud, committing misrepresentation and impersonation. A young boy of 20 years is indulging in criminal acts, at this age, if his such acts are not checked by firm and strict handling, that may encourage him to commit more heinous crimes. He is required to be deterred from treading the path of crime further. Grant of anticipatory bail to him would result in encouraging him to move on the path of crime.

It is well settled law that pre-arrest bail is a discretionary equitable relief and which is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to act as a shield for the culprits, saving them from interrogation by the police. Custodial interrogation of the petitioner which is more elicitation oriented, is required to unfold the complete story, so as to find out, as to how the petitioner planned and executed the criminal act. In case the custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many loop holes and lacuna in the investigation, adversely affecting the same, which is uncalled for.

Thus the present petition is doomed for failure and is

dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

9.2.2021

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( H.S. Madaan )  
Judge

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|-----------------------------|----------|
| Whether speaking / reasoned | Yes / No |
| Whether reportable          | Yes / No |