

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

**CRM-M-11011-2021 (O&M)
Date of decision : 16.03.2021**

Ashok alias Ashish

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sanjeev Kadian, Advocate for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through physical mode.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.616 dated 23.08.2020 under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station HTM Hisar, District Hisar.

Learned counsel for the petitioner would contend that the allegation against the petitioner is that he was involved in helping the candidates in solving the papers of PTI Examination. The petitioner is in custody for over a period of six months and he is not involved in any other criminal case. He would further contend that the similarly situated co-accused have been granted regular bail by this Court vide order dated 02.03.2021 passed in CRM-M-8066-2021 and by the co-ordinate Bench vide orders dated 16.02.2021 and 02.03.2021 passed in CRM-M No.6121 and CRM-M No.3966 of 2021, respectively.

Learned counsel for the State, on instructions from SHO Sukhjeet Singh, states that the petitioner was part of a group of people who were operating together in order to help the candidates in solving the papers of PTI Examination. He further states, on instructions, that there is no other criminal case pending against the petitioner and the challan already stands presented in the present case. Learned State counsel is also not in a position to deny the fact that similarly situated co-accused have already been granted regular bail by this Court vide order dated 02.03.2021 passed in CRM-M-8066-2021 and by the co-ordinate Bench vide orders dated 16.02.2021 and 02.03.2021 passed in CRM-M Nos.6121 and 3966 of 2021, respectively.

Heard learned counsel for the parties.

In view of the above and keeping in view the fact that the similarly situated co-accused have already been granted regular bail by this Court vide order dated 02.03.2021 passed in CRM-M-8066-2021 and by the co-ordinate Bench vide orders dated 16.02.2021 and 02.03.2021 passed in CRM-M Nos.6121 and 3966 of 2021, respectively and that the petitioner has been in custody for over a period of six months and is also not involved in any other criminal case and that trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

March 16, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO