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

**CRM-M No.11070 of 2021(O&M)
Date of Decision:17.03.2021**

Jagpal

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.17 dated 10.01.2021 registered under Sections 120-B and 420 IPC (Sections 467, 468, 471 and 201 IPC have been added later on) at Police Station Samalkha, District Panipat.

Initially, the FIR was registered for the offences under Sections 420 and 120-B IPC. The name of the petitioner came

to be nominated in the disclosure statement of co-accused Jagdeep (owner of the school). Mobile phone and an amount of Rs.8,000/- have been recovered from the petitioner.

Allegations are that the petitioner arranged a meeting between the candidate Sangeeta and Jagdeep (owner of the Paradise school) and its Principal Desh Bandhu and also managed to send a slip of answer key in the examination room of Sangeeta. Sangeeta appeared in the examination centre for the post of Gram Sachiv on 09.01.2021 i.e. the date on which the petitioner was not even present in the examination centre.

Learned counsel for the petitioner submits that there was no occasion for the petitioner to get the meeting of Sangeeta and Jagdeep arranged because Sangeeta herself is aunt of Jagdeep in distant relation and they knew each other very well. Petitioner himself is a Government Teacher in District Panipat. The offences under Sections 467, 468, 471 and 201 IPC were added on the ground that the accused Desh Badhu has delivered a forged HSSC cards to Rahul and Rajesh and also got deputed Nisha on duty in the examination of Gram Sachiv in violation of rules. Jagdeep and Rahul mentioned the roll number slips of the examinees who were present in the exam. Learned counsel further submits that Rahul and Sunil @ Silllu have been granted bail under Section 167(2) Cr.P.C by the

Judicial Magistrate First Class, Samalkha vide order dated 13.03.2021. Regular bail has also been granted to co-accused Vishavjeet vide order dated 18.02.2021 passed by the Additional Sessions Judge, Panipat. Seema and Nisha have also been granted bail by the Additional Sessions Judge, Panipat vide order dated 24.02.2021. Petitioner was arrested on 14.01.2021 and the challan has not been presented within 60 days and the petitioner is in judicial custody.

Learned State counsel on instructions from ASI Rajender Singh on the other hand, opposed the bail on the basis of complicity of the petitioner is arising out of prosecution case. However, he has admitted that challan has not been submitted to the Court qua the petitioner so far.

Challan has not been presented, petitioner is in custody since 14.01.2021 and the offence is triable by the Magistrate.

Taking into consideration the aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail, without advertng to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

17.03.2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No