IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107+234 **CRM-M-42172-2021 (O&M)**
DATE OF DECISION: 29.11.2021

MUKESH KUMAR **… Petitioner(s)**

Versus

STATE OF HARYANA **... Respondent(s)**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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ANUPINDER SINGH GREWAL, J. (ORAL)

CRM-37516-2021

Learned counsel for the applicant/petitioner wants to withdraw this application.

Application stands dismissed as withdrawn.

MAIN CASE

The petitioner is seeking regular bail in FIR No.433 dated 07.08.2021, under Sections 420, 467, 468, 471, 120-B (Section 201 IPC and Section 66 of the I.T. Act added later on), registered at Police Station City Kaithal, District Kaithal, Haryana.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein three co-accused have been specifically named. It is alleged that the paper for the recruitment to the post of Constable had been leaked and examination had to be cancelled. Co-accused Raj Kumar is alleged to have purchased the paper for a sum of Rs.30 lakh from co-accused Mohammad Afzal Dar but the payment was to be made after the examination had taken place. There is no allegation that the petitioner has received any money and no recovery of any money has been effected from him. He is alleged to have helped to prepare documents for impersonation of one candidate namely Surinder Kumar but he did not appear. He is in custody for about 4 months since his arrest on 12.08.2021. He is not involved in any criminal case.

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Learned State counsel contends that it is alleged that the petitioner had forged aadhaar card and other documents for impersonation of a candidate. He, however, is not in a position to controvert the submissions of learned counsel for the petitioner that the candidate, who is alleged to have been impersonated, did not actually take the examination. He further contends that challan has been filed but no prosecution witness has been examined. He also contends that recovery of a mobile phone, LED, monitor, CPU and colour printer has been effected from the petitioner.

Heard.

In view of the above, especially when the petitioner is in custody for about 3 ½ months, he is not involved in any other criminal case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

29.11.2021
SwarnjitS

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

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