

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

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**CRM-M No.40240 of 2020
Date of Decision:29.01.2021**

ROHIT KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr.Sagar Aggarwal, Advocate for
Mr.Ashit Malik, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.95 dated 04.03.2020 under Sections 419 and 420 IPC registered at Police Station Indri District Karnal.

Learned counsel for the petitioner submits that the version given by the petitioner in the petition is also a plausible explanation. It was the petitioner, who appeared in the centre of examination. None else was appearing on behalf of the petitioner. During examination, a piece of paper was thrown by some one, which fell near the bench of the petitioner. At that point of time, flying squad appeared at the spot and took the

petitioner to the room of superintendent on suspicion. On enquiry, it was found that the alleged piece of paper was not related to the petitioner nor was in the context of any such copying/ cheating. The center staff wanted signature of the petitioner on certain papers on the pressure of SDM (Flying Squad) in order to make a case of unfair means. They asked the petitioner to go on the ground that they have prepared UMC against him. When the petitioner came out of the center, he was stopped by security personnel at the instance of the center superintendent and directed him to provide mobile number of his father. Since the petitioner was afraid of his father, therefore, he became scared and ran away from the spot. Running of the petitioner from the spot cannot be presumed to be an instance of appearance of some one else in place of the petitioner in the examination hall.

Notice of motion was issued and arrest of the petitioner was stayed on 03.12.2020.

After hearing learned counsel for the parties, I deem it appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 03.02.2021 at 11.00 a.m. and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following

conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for
interrogation before the Investigating Officer as
and when required;
- ii) that the petitioner shall not, directly or
indirectly, make any inducement, threat or
promise to any person acquainted with the
facts of the case so as to dissuade him/her
from disclosing such facts to the Court or to
any police officer;
- iii) that the petitioner shall not leave the country,
without prior permission of the Court and shall
surrender his passport, if any.

Petition stands disposed of accordingly.

January 29, 2021

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No

(RAJ MOHAN SINGH)
JUDGE