

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-4223-2022

Date of Decision:-06.04.2022

Rajesh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Johan Kumar, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.410 dated 14.11.2021 under Sections 420, 419 and 120-B IPC and Section 8(4) of Haryana Public Examination (Prevention of Unfair Means) Act, 2021 registered with Police Station Uklana, District Hisar.

The prosecution case is that a secret information was received that Ramphal son of Shri Chand, Jagdish son of Ram Kumar, Rajesh son of Bhim Singh, Kuldeep and their other friends had formed a gang for committing fraud in the selection of government jobs conducted by HSSC Board. They would prepare a fake candidate to appear in the examination by impersonating the original candidate for which they would receive huge amount from the original candidate. The case of the prosecution further is

that accused had gathered at the residence of Ramphal and if a raid was conducted the accused could be apprehended. As per the prosecution case the IO along with his police officials reached the spot and overheard the conversation between the accused. The police personnel entered the room and arrested Rampal, Jagdish, Rajesh and Ram Niwas. Various articles including cash were recovered from the accused.

The Counsel for the petitioner has submitted that he has been falsely implicated in the present case. Infact no offence had actually been committed and the petitioner has been booked on the basis of secret information. He further contended that none of the accused was apprehended at the examination centre. He thus prayed for bail on account of the fact that he was in custody since 14.11.2021 the challan had been submitted, but the trial was not likely to be concluded in near future and as such his further incarceration was not required. He further contends that petitioner is not involved in any other case of similar nature.

The Counsel for the State has vehemently argued that it is a very serious offence that was likely to be committed. From the petitioner- Rajesh one Mobile Phone with two sim cards was recovered. Various admit cards, Aadhar Cards, account books, a laptop and other articles were recovered from the spot which clearly shows that the petitioner and his co-accused were setting up candidates to impersonate the actual candidate in lieu of receipt of payment. It was thus prayed that the petitioner does not deserve the concession of bail.

I have heard the counsel of both the sides at length.

The petitioner is in custody since 14.11.2021 and the challan in the present case was submitted in February 2022. As many as 47 witnesses

are to be examined during the course of trial. Most of the prosecution witnesses would be police officials and in case the petitioner is granted the concession of bail it is extremely unlikely that he could tamper with the evidence. It would also be relevant to mention here that the maximum possible sentence that could be imposed upon the petitioner would be 07 years and admittedly it is a case of magisterial trial.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner **Rajesh** son of Sh. Bhim Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, Hisar.

It is further made clear that if petitioner indulges in similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

(JASJIT SINGH BEDI)
JUDGE

April 06, 2022
Vinay

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