

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9516-2022 (O&M)
Date of Decision:-18.11.2022

Sunil Kaushik ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Promila Nain, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0298, dated 6.0.2021, Police Station Sector-13, 17, Panipat, under Sections 419, 420, 120-B of Indian Penal Code and Sections 66-C and 66-D of Information Technology Act.
2. As per the case of prosecution, a secret information was received by the police to the effect that Ashok @ Shoki, Monu, Asshish S/o Narender, Gauri, Akash son of Ram Swaroop Gurjar, Ashish son of Roop Singh, Akash son of Ram Partap Gaud, in connivance with each other were taking huge amount from the candidates appearing in online IIT entrance examination. It is alleged that the accused by hacking the computer server using software tools were facilitating students to secure the desired result in the entrance examination after taking hefty amounts.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been nominated subsequently on the basis of alleged disclosure statement of co-accused, which would hardly carry any evidentiary value. It has further been submitted that all other co-accused named in the FIR are already on regular bail.
4. Opposing the petition, learned State counsel has submitted that during the course of investigation several of the co-accused have suffered disclosure statements nominating the petitioner to be their associate and infact three of the candidates have categorically stated that they had passed on huge amount to the petitioner for enabling them to secure desired result in the online IIT entrance examination, and as such his complicity is clearly evident. It has also been pointed out that the premises, where the entrance exam was conducted, belongs to the petitioner. Learned State counsel has informed that the petitioner had remained behind bars for about 1 month and had subsequently been granted interim bail by this Court vide order dated 7.3.2022 and is still availing the said interim bail.
5. Upon a query made by this Court, learned State counsel submitted that there is nothing to suggest that the petitioner has misused the concession of interim bail. Learned State counsel has not denied the fact that several of the co-accused are on regular bail. It has been informed that in the present case the trial has not even commenced inasmuch charges have not been framed and as many as 112 PWs have been cited.
6. This Court has considered the rival submissions.
7. The petitioner is stated to have been nominated on the basis of disclosure statement, the admissibility and veracity of which would be debatable. In any

case, this Court finds that some of the co-accused have already been granted bail. The petitioner has been availing interim bail since the last about 8 months and has not misused the concession of interim bail. Conclusion of trial is likely to consume time inasmuch the trial has not even commenced till date and as many as 112 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.11.2022
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No