

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 10256 of 2022

Date of Decision: 15.3.2022

Sachin Kadiyan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR bearing No. 746 of 7.8.2021, offences constituted under Sections 323, 420, 201, 120-B, 109 IPC are embodied. The FIR (supra) is lodged at Police Station Sadar Karnal, District Karnal.

2. The incriminatory role, as becomes ascribed to the bail applicant-petitioner, is of his being the supplier of answer keys against monetary consideration, to the participants concerned, for enabling them to succeed in the examination, conducted for selection to the post of Constable, and, hence facilitating them to earn a purported unlawful selection, in the competitive examination concerned.

3. The afore incident occurred in the examination centre of Greenland Public School, Indri Road, Darar, Karnal. In the examination centre concerned, one Ajay Kumar became nabbed at the spot. Thereafter, co-accused Abhimanyu @ Meenu, was revealed by Ajay Kumar, to be the supplier of the answer sheets, for his becoming facilitated to earn his

purported unlawful selection in the competitive examination concerned. In

the disclosure statement, co-accused Abhimanyu @ Meenu, named the bail applicant-petitioner along with co-accused Unnat, and, Mandeep, to be the suppliers of answer keys, against monetary consideration.

4. Though the above incriminatory role, as ascribed to the bail applicant-petitioner, has severe penally inculpable consequence(s) inasmuch as his purportedly facilitating the earning by the participants, of illegitimate benefits of selection in the examination concerned, and, does also stain the fairness of the conducting of the examination concerned, by the Haryana State Selection Committee.

5. However, since it is not made out in the reply to the petition, as furnished by the State of Haryana, that the persons to whom, the afore answer sheets were supplied, ultimately succeeded in the competitive examination concerned, thereupon, there was only an attempt on the part of the petitioner-bail applicant to ensure the selection(s) of persons concerned. Since, purveying the answer sheets, by the bail applicant-petitioner, to the participants in the examination concerned, did not result, in theirs earning any unlawful selection in the examination, conducted by the Haryana State Selection Committee. Therefore, *prima facie* the afore factum does have a tinge of exculpatory effect.

6. Moreover, since the petitioner-bail applicant is in judicial custody since 21.8.2021, and, also when the investigations are complete, and, that when after completion of investigations, a report under Section 173 Cr.P.C. has been filed, before the learned Court concerned. Therefore, this Court does not deemt it fit, and, appropriate to prolong the judicial incarceration of the petitioner-bail applicant, as, thereupons his personal liberty would become unnecessarily fettered, and, curtailed.

7. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides his furnishing an undertaking, that he shall record his personal appearance before the learned Magistrate concerned, unless his personal appearances are exempted on valid grounds.

8. Any observation made, is only for disposal of the instant petition.

9. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

March 15, 2022
Gurpreet

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