

CRM-M-11344-2021; CRM-M-15793-2021;
CRM-M-15809-2021; CRM-M-17005-2021;
CRM-M-17849-2021 & CRM-M-26828-2021

-1-

202 (6 Cases)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 22.02.2022

(I) CRM-M-11344-2021

Krishan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

(II) CRM-M-15793-2021

Pardeep

..... Petitioner

Versus

State of Haryana

..... Respondent

(III) CRM-M-15809-2021

Deepak and another

..... Petitioners

Versus

State of Haryana

..... Respondent

(IV) CRM-M-17005-2021

Sunil @ Kala

..... Petitioner

Versus

State of Haryana

..... Respondent

(V) CRM-M-17849-2021

Ashok

..... Petitioner

Versus

State of Haryana

..... Respondent

(VI) CRM-M-26828-2021

Parvesh Kumar and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CRM-M-11344-2021; CRM-M-15793-2021;
CRM-M-15809-2021; CRM-M-17005-2021;
CRM-M-17849-2021 & CRM-M-26828-2021

-2-

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Siwach, Advocate,
Mr. Subhash Godara, Advocate, and
Mr. Aman Godara, Advocate,
for the petitioner(s)
(in CRM-M-11344, 15793, 15809, 17005 & 26828-2021)

Mr. Preetinder Ahluwalia, Advocate,
for the petitioner (in CRM-M-17849-2021).

Mr. Karan Garg, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

This order will dispose of all the six connected petitions, as mentioned above, since they all are arising out of the same FIR, being FIR No.60, dated 28.02.2021, under Sections 171, 419, 420, 467, 468, 471, 120-B, 201 and 204 of the IPC and Section 66 of the Information Technology (Amendment) Act, registered at Police Station Uchana, District Jind.

Learned counsel for the petitioners contends that the petitioners have joined the investigation in terms of the common order dated 20.09.2021 passed in all the petitions, by a co-ordinate Bench of this Court, which is as under:-

“The cases have been taken up for hearing through video conferencing.

Initially, FIR was registered for the offence under Section 420 IPC and under Section 66 of I.T. Act. During investigation, co-accused Hardeep and Surender were arrested and on the basis of their disclosure statements, offences under Sections 171, 419, 467, 468, 471, 120-B, 201, 204 IPC were added.

Perusal of the record would show that FIR was registered on the basis of secret information, alleging

involvement of many persons in the context of leaking of paper for the post of Delhi District Courts. Krishan Kumar has been shown to be the owner of house in which Wi-Fi with big antenna at the roof was allegedly installed. At the time of raid, cars and motorcycles were found parked in front of the house and some of the persons were solving the paper through mobile and bluetooth. The assertion of the petitioner- Krishan Kumar is that he is neither owner of the house nor installed any Wi-Fi gadgets. He claims himself to be a Matriculate.

Notice of motion was issued with interim order of stay of arrest.

In the very nature of observations made by this Court at the time of issuance of notice of motion, I deem it appropriate to direct the petitioner(s) to appear before the SHO/Investigating Officer to join investigation on 27.09.2021 at 11.00 A.M. and in the event of their arrest, they shall be enlarged on interim bail, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner(s) shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

List on 13.12.2021.

A photocopy of this order be placed on the files of connected cases.”

Learned State counsel, on instructions from ASI Rajesh, states that though the petitioners have joined the investigation in terms of the

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CRM-M-17849-2021 & CRM-M-26828-2021**

-4-

further investigation, their respective mobile phones are required to be submitted to the Investigating Agency, which they have not done so far.

Learned counsel for the petitioners undertake that the petitioners will submit their respective mobile phones, as being demanded by the Investigating Agency, within a period of next seven days positively without any delay.

In view of the above, the order dated 20.09.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petitions stand disposed of.

Photocopy of this order be placed on the files of connected cases.

22.02.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No