

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10959-2022(O&M)

Date of decision : 21.03.2022

Yogesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.M.S. Dalal, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

CRM-9518-2022

Allowed as prayed for.

CRM-10278-2022

Allowed as prayed for.

Annexures P-4, P-5 and P-6 are taken on record subject to all
just exceptions.

CRM-M-10959-2022

This is a first petition under Section 439 Cr.P.C. for grant of
regular bail to the petitioner in FIR no.602 dated 20.10.2021 registered
under Sections 419, 420, 467, 468, 471, 120-B and 201 IPC at Police
Station City Kaithal.

Learned counsel for the petitioner has submitted that in the
present case, initially FIR no.408 dated 27.08.2021 was registered under

Kaithal in which the petitioner has also been made as an accused on the allegation that he had appeared on behalf of one Sonu for the examination of police recruitment conducted by Haryana Staff Selection Commission, Panchkula, in the morning shift. It has also been submitted that the petitioner had furnished a disclosure statement in the said FIR and has been released on bail in the said case vide order dated 18.08.2022 (Annexure P-4) passed by the Additional Sessions Judge, Kaithal. It has further been submitted that the present FIR was registered against the present petitioner on the allegation that the petitioner had appeared for one Amit in the above said examination in the evening shift. It has been argued that the second FIR with respect to the same incident could not be registered and the second incident should have been made part of the first FIR. It has further been argued that Amit has already been granted regular bail vide order dated 27.01.2022 by the Additional Sessions Judge, Kaithal and even co-accused Sonu has been granted regular bail in FIR no.408. It has also been submitted that as per the prosecution, it is Naveen and the present petitioner who had instigated the said two persons to permit the present petitioner to sit in the said examination and Naveen had already been granted regular bail vide order dated 07.03.2022 passed by this Court in CRM-M-8739-2022. It has also been submitted that the petitioner has been in custody since 17.11.2021 and there are 24 prosecution witnesses and none of them have been examined and the investigation in the present case is complete and the challan has already been presented. It has also been submitted that the petitioner is not involved in any other case except above said two cases and has thus prayed for the concession of regular bail.

Learned State counsel, on the other hand, has opposed the

present petition and has submitted that the petitioner had appeared in the morning shift in place of Sonu and had appeared in the evening shift in place of Amit and has submitted that registration of two FIRs is legal and valid as the same has been with respect to two different centres. It has also been submitted that the petitioner along with Naveen, is the master mind of behind the incident.

This Court has heard learned counsel for the parties and has perused the paper book.

It is not in dispute that initially FIR no.408 dated 27.08.2021 was registered with respect to the petitioner appearing in the examination for one Sonu. In the said FIR, the petitioner has already been granted regular bail vide order dated 18.02.2022 passed by the Additional Sessions Judge, Kaithal. The said bail has been granted primarily on the ground that the report under Section 173(2) Cr.P.C. has been submitted and all the documentary evidence has been collected. The second FIR, i.e. the present FIR has been registered against the petitioner for having appeared for Amit in the evening shift. The allegation, thus, in the second FIR against the petitioner is similar to the allegation levelled in the first FIR, in which, he has already been granted bail. The said Amit, for whom the petitioner had appeared, has already been granted the concession of regular bail vide order dated 27.01.2022 passed by the Additional Sessions Judge, Kaithal. Even Naveen, who along with the present petitioner has been stated to be the master mind, has been granted regular bail by this Court vide order dated 07.03.2022 passed in CRM-M-8739-2022. The petitioner has been in custody since 17.11.2021 and the investigation is complete and the documents have been collected and report under Section 173 Cr.P.C. has

been submitted and there are 24 prosecution witnesses and none of them have been examined thus, the trial is likely to take time moreso, in view of the present pandemic and the present petitioner is not involved in any other case except the above two cases.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 21, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No