

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

**CRM-M No. 12759 of 2022
Date of Decision: 28.03.2022**

Rajiv Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 590 of 12.11.2020, which was registered against him, at Police Station City Mohindergarh, District Mohindergarh, constituting therein offences under Sections 419, 420, 120-B of the IPC.

2. The present bail applicant – petitioner was issued admit card for his participating in 10+2 examination, scheduled to be conducted at the examination centre located at Govt. Model Sanskriti School, Mohindergarh. However, the petitioner did not enter the examination centre concerned, rather he deployed his friend, one Raghunandan Kumar, to take the examination on his behalf. The afore Raghunandan Kumar was nabbed at the spot. The above Raghunandan Kumar during the course of his custodial interrogation disclosed, to the Investigating Officer (IO) concerned, that the petitioner had though been issued the admit card for the afore examination

centre, yet to ensure his success in the examination concerned, he had

entered into the examination centre.

3. The learned State Counsel very fairly stated at the Bar, that the incriminatory evidence, as is collected from both the co-accused, is comprised in the invigilator concerned, at the examination centre concerned, making recoveries of the Aadhar card, and, other evidence, disclosing that the co-accused concerned, who become deployed for the afore purpose, carried an identity not similar to the bail petitioner, and, who rather was to the take the examination concerned.

4. Be that as it may, since the entire incriminatory evidence against both the co-accused has been collected. Therefore, when only for ensuring the making of recoveries, and, of collections of the incriminatory evidence concerned, appertaining to the drawings of the relevant charges, as, may become drawn in pursuance a report filed under Section 173 of the Cr.P.C., before the learned Magistrate concerned, rather the custodial interrogation of the accused concerned, is required. However, when the afore incriminatory evidence has already been collected or recovered, therefore, it is deemed not fit and appropriate to order for the custodial interrogation of the bail applicant – petitioner. In sequel, it is ordered that in the event of arrest of the bail applicant-petitioner, he be released, by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also, as and when he is summoned by the investigating officer, through a written Hukamnama, his cooperating in the investigations to be made into the offence(s) concerned.

8. Disposed of.

March 28, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>