

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

**CRM-M No. 12843 of 2022
Date of Decision: 05.05.2022**

Sonu Siwan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 746 of 07.08.2021, registered at Police Station Sadar, Karnal, constituting therein offences under Sections 323, 420, 201, 120-B & 109 of the Indian Penal Code.
2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 27.08.2021.
3. The incriminatory role, as becomes ascribed to the bail applicant-petitioner, is of his, through purveying the answer sheets to one Ajay Kumar, a participant in an examination, conducted for selection to the post of Constable, hence facilitating him to earn a purported unlawful selection, in the competitive examination concerned.
4. 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, the bail applicant-petitioner, was revealed by him, to be the supplier of the

answer sheets, for his becoming facilitated to earn his purported unlawful selection in the competitive examination concerned.

5. 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 one Ajay Kumar, 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.

6. However, since it is stated at the bar, by the learned State counsel, on instructions given to him by the Investigating Officer concerned, that the bail applicant-petitioner did not, on a widest scale, ensure the above facilitations, inasmuch as he did not purportedly excepting one Ajay Kumar, purvey the correct answer sheet concerned, to other examinees concerned. Therefore, it is not befitting to conclude that the bail applicant-petitioner did rather in the above manner, proceed to in an enormous scale completely rig the competitive examination concerned. If so his penal role, if any, does become minimised.

7. The learned State Counsel also submits that the co-accused, namely, Abhimanyu @ Meenu, and, Sachin Kadiyan, have already been granted the facility of regular bail, through orders, made on 15.02.2022, and, on 15.03.2022, as, respectively appended with the petition, as, Annexures P-2 & P-3.

8. Therefore, accepting the afore made submission, before this Court, by the learned State Counsel, the bail applicant – petitioner is also entitled to a similar treatment with the afore co-accused, as, the incriminatory

role as assigned to the present petitioner is similar to the one, as, becomes assigned to the above co-accused.

9. Since it is also stated at the bar by the learned State counsel, that the investigations into the commission of above offences, by the bail applicant-petitioner, are concluded, inasmuch as the accused concerned, proceeding to purvey to the investigating officer concerned, his admitted scribings, for theirs becoming matched by the expert concerned, with the answer sheet concerned.

10. Bearing in the mind the afore, and, also when the bail petitioner is suffering judicial custody since 27.08.2021, and, also besides when no evidence has been adduced by the prosecution, that in the event of the bail applicant being enlarged on regular bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence. Consequently, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner, as, thereupons his personal liberty would become unnecessarily fettered, and, curtailed. Contrarily, it is deemed appropriate to admit him to bail.

11 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.

May 05, 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>