

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 16483 of 2022

Date of Decision: 25.4.2022

Rajbinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. B.K.Saini, Advocate for
Mr. N.K.Manchanda, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioner.
2. In FIR bearing No. 72 of 12.3.2018, registered at Police Station City Tarn Taran, District Tarn Taran, offences constituted under Sections 419, 420 IPC, are embodied.
3. The present bail petitioner, permitted co-accused one Harjinder Singh to, on his behalf, appear at the examination centre, located at the Educational Institution concerned. The impersonator concerned, was in the process of completing the examination papers concerned, when he became nabbed, by the Flying Squad of the Punjab School Education Board. The subject paper he was taking related to English.
4. The learned State counsel submits, that the answer sheet(s) of the attempted to be written subject (supra), has been impounded at the

examination centre concerned, by the head of the Flying Squad concerned.

5. Since the impounding of the answer sheets is a documentary evidence, for may be sustaining the charge, as, may become drawn against the present bail petitioner, after a report being preferred against him, by the investigating officer concerned, before the learned trial Magistrate concerned. Therefore, no other incriminatory evidence apart from the afore is required to be either collected nor is required to be ordered to be ensured to be effected at the instance of the bail petitioner, to the investigating officer concerned.

6. Even otherwise, the ill practice or malpractice of impersonation, by the present bail petitioner, was for ensuring his success, in the subject paper of English rather appertaining to the matriculation examination conducted by the Punjab School Education Board. Therefore, when the above does not appertain to an attempt being made on the part of the present bail petitioner to taint any selection process appertaining to selections being made to public posts. Consequently, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present bail petitioner.

7. Consequently, the bail petition is allowed, and, the petitioner is admitted to anticipatory bail, and, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into offences mentioned in the present FIR. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

April 25, 2022
Gurpreet

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