

(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28189-2022
Date of Decision:18.07.2022

SARWAN KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nitin Thatai, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.305 dated 23.08.2021 (Annexure P-1) registered under Sections 419 and 420 IPC at Police Station Civil Line, Sirsa.

2. The brief facts of the case are that on 23.08.2021, the Class 10th Mathematics paper was going in the evening shift under the supervision of Vipin Gupta, Supervisor in Room No.2 of the Examination Centre at Government Senior Secondary School, Khairpur, Sirsa. During the inspection of the flying squad, while comparing the signatures and photographs, one candidate fled away from the examination centre. The flying officer Sh. Anil Jakhar, Superintendent Bhiwani Board informed that the photograph and the

signature of the candidate did not match. In fact, on the seat of Rohtash Kumar son of Lillu Ram some other person had come, impersonated him in order to take the examination but fled away. Based on the aforementioned allegation, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner has not been named in the FIR and his name has emerged in the disclosure statement of his co-accused, which is inadmissible in evidence. He submits that in fact, Rohtash who the petitioner is said to have been impersonated must have appeared himself in the examination and the petitioner had absolutely no motive to impersonate Rohtash. He thus, prays for the grant of anticipatory bail stating that he was willing to join the investigation and no recovery was to be effected from him.

4. On the other hand, the learned State counsel contends that in fact, Rohtash, the co-accused of the petitioner, who was supposed to take the examination himself disclosed the name of the petitioner as the person impersonating him at the examination centre. He further points out that the original admit card of Rohtash is also to be recovered from the petitioner for which his custodial interrogation is necessary in order to complete the investigation.

5. I have heard the learned counsel for both the parties at length.

6. The allegations against the petitioner are grave. His co-accused Rohtash has named him as the person who had impersonated him at the time of the examination and at this stage by no stretch of imagination can it be said that the petitioner has been falsely implicated. Other than that, the

recovery effected of the original admit card of the examination is to be effected from the petitioner.

7. In view of the above, the petitioner is not entitled to the discretionary relief of anticipatory bail and thus, the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

18.07.2022

JITESH

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