

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-44422-2021 (O & M)
Date of Decision: January 07, 2022**

NITIN YADAV

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.R.S. Mamli, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 433 dated 07.08.2021, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 ('IPC' - for short) (Section 66 of the Information Technology Act and Section 201 IPC added later on), registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been arraigned as an accused on the statement of co-accused. It is alleged that the petitioner had helped the candidates in the examination by changing thumb impressions in the biometric system. Besides the statement of co-accused, there is no *prima facie* material which would connect the petitioner with the alleged commission of offence. It is also alleged that the money was to be taken from the candidates for changing the biometric system, however, the examination was cancelled a few days before it had to take place. There is no allegation that any money had actually been obtained

from a candidate. He also contends that in the reply filed by the DSP, it is stated that co-accused Ramesh Kumar had met the petitioner in Panchkula on 05.08.2021 which has been verified from the mobile phone location of Ramesh Kumar. He, however, contends that the affidavit is silent as to whether the mobile phone location of the petitioner had been obtained indicating his presence along with co-accused Ramesh Kumar.

This Court, by the order dated 06.12.2021, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from Inspector Sombir, states that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the order dated 06.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

January 07, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No