

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51125-2021
Date of Decision: 11.01.2022

(I)

Sukhwinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-53793-2021

(II)

Hardeep Singh @ Laddi

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Keshav Pratap Singh, Advocate, for the petitioner
in CRM-M-51125-2021.

Mr. Rishabh Gupta, Advocate, for the petitioner
in CRM-M-53793-2021.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present two bail petitions are taken up together for final
disposal since both the petitions arise out from the same FIR.

Both the petitions have been filed under Section 439 of the

Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.240 dated 16.09.2021, under Sections 420, 465, 468, 471, 120-B IPC and Section 66 and 66D of Information Technology Act, registered at Police Station Anaj Mandi, District Patiala.

As per the facts which have come up in the FIR, an online test was being conducted for recruitment of Sub Inspectors at an Institute at Patiala where some of the candidates have secured highest marks and the allegation was that the computer was hacked and there was a screen sharing made for the purpose of facilitation to the candidates.

Mr. Anmol Rattan Singh Sidhu, learned Senior Advocate with Mr. Keshav Pratap Singh learned counsel for the petitioner-Sukhwinder Singh in CRM-M-51125-2021 has submitted that so far as the aforesaid Sukhwinder Singh is concerned, he is in custody from 21.09.2021 and the investigation of the case is already complete and challan has already been presented before the competent Court under Section 173 Cr.P.C. He submitted that as far as the petitioner Sukhwinder Singh is concerned, the only allegation against the petitioner was that he is the brother of one of the co-accused namely Avtar Singh who was stated to be involved in the entire sequence of event. He further submitted that against the petitioner there is neither any allegation of any hacking done by him nor there is any money transaction qua the petitioner and the mere fact that the petitioner is brother of one of the co-accused would not mean that the petitioner has also participated in any offence and he has been nominated under Section 120-B IPC. Learned Senior Counsel further submitted that the petitioner has clean antecedents and there is no case against the petitioner and investigation of the case is already complete and, therefore, has prayed for the grant of

regular bail.

Mr. Rishabh Gupta, learned counsel for the petitioner-Hardeep Singh @ Laddi in CRM-M-53973-2021 has submitted that so far as the petitioner-Hardeep Singh @ Laddi is concerned, the only allegation against the petitioner was that he had introduced Sukhdeep Singh with Gurpreet Singh. He further submitted that even as per the allegation, the hacking was done allegedly by one Ankit and so far as the petitioner is concerned, he is neither connected with the offence nor he is a beneficiary in any manner whatsoever and investigation of the case is complete. He further submitted that the petitioner has clean antecedents and there is no other case against the petitioner and he is facing incarceration from 17.09.2021 and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that so far as the custody period of both the petitioners is concerned, the same is correct. It is also correct that the investigation of the case is already complete and challan has already been presented before the competent Court under Section 173 Cr.P.C. He further submitted that it is also correct that both the petitioners are not involved in any other case and they have clean antecedents. However, he has opposed the grant of bail to the petitioners on the ground that it is a case where hacking was done in online examination and both the petitioners were involved in the present case and since the matter was serious in nature, they may not be granted the concession of regular bail.

I have heard the learned counsel for the parties.

The custody period of both the petitioners is not in dispute and it is also not in dispute that the investigation of the case is already complete

and challan stands presented and both the petitioners are not involved in any other case. As per the allegation against the petitioner-Sukhwinder Singh is concerned, his role was that he is the brother of one of the co-accused namely Avtar Singh and he was nominated on the basis of Section 120-B IPC. So far as the other petitioner namely Hardeep Singh @ Laddi is concerned, the allegation against him was that he had introduced Sukhdeep Singh with Gurpreet Singh but as per the allegation there is nothing on the record to show that the petitioner-Hardeep Singh @ Laddi has done the hacking in online examination. Furthermore, as per the learned counsel for the petitioners as well as learned State counsel no money has been transferred in the name of the petitioners and they were not the beneficiary in the present case. The investigation of the case is already complete and they have suffering incarceration of more than 3 months. Furthermore it is not the case of the State that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice and rather as per the learned counsel for the parties both the petitioners are not involved in any other case.

Therefore, without commenting on the merit of the case and considering the totality of circumstances, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

At this stage, both the learned counsel for the petitioners have stated that when the challan was presented after the filing of the present petitions, Section 66 of the Information Technology Act was also added and, therefore, on their oral request, the prayer clause in both the petitions may

be modified to that extent.

The learned State counsel has not disputed the aforesaid factual position.

In view of the above, it is directed that Section 66 of the Information Technology Act be also read as a part of prayer clause in both the petitions.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

11.01.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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