IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219+115 **CRM-M-51940-2021(O&M)**
Date of Decision : **July 27, 2022**

KRISHAN KUMAR @ KOSHAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. G.C.Shahpuri, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.222 dated 29.5.2021 under Sections 420, 417, 418, 468, 120-B IPC and Sections 65/66(C) and 66(D) of Information and Technology Act, 2000, registered at Police Station City, Tohana, District Fatehabad.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 11.8.2021 which is few days less than one year. He submitted that as per the allegations, there was an online portal for transfer of JBT Teachers in which the complainant had applied for transfer on priority but the said priority got changed by the petitioner and his wife as per their own convenience for getting the posting. He

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further submitted that the investigation of the case has already been completed and challan has already been presented before the competent Court and charges have also been framed and no recovery is to be effected from the petitioner and, therefore, he may be considered for the grant of regular bail. He submitted that even during the investigation it was found that if at all any interference is to be made on the portal then for that purpose, an OTP has to be sent to the complainant which was not utilized and, therefore, on the basis of the investigation, the petitioner is innocent. He further submitted that the entire software and the data etc. is with the FSL and till date the report has not been received and he has already faced incarceration for about one year. He submitted that the petitioner has clean antecedents and is not involved in any other case.

On the other hand, the learned State counsel has stated that it is correct that the petitioner is in custody for about one year i.e. from 11.8.2021 and now the charges have been framed and no recovery is to be effected from the petitioner.

Learned counsel for the complainant has opposed the bail on the ground that the petitioner has tampered with the online portal without any lawful authority and changed the priority because of which the complainant was deprived of her right for getting appropriate posting according to preference.

I have heard the learned counsels for the parties.

The petitioner is in custody from 11.8.2021 i.e. about one year. After the investigation was completed, challan was presented and charges were framed. As per the the learned counsels for the parties

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no further recovery is to be effected from the petitioner. The petitioner is not involved in any other case and the said fact has also not been disputed by the the learned State counsel. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

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

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