

**213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-12814-2023

Decided on:-20.04.2023

Rahul and another

....Petitioners..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Himanshu Arora, Advocate with
Mr. BNS Marok, Advocate for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.9 dated 22.01.2023, under Sections 420 and 120-B IPC, registered at Police Station Lalru District SAS Nagar.

As per the allegations levelled in the FIR, the petitioners were helping the candidates to get them passed in the examination of Indian Air Force XY Group Agniveer Phase-1 conducted by Indian Air Force and received huge money from the candidates.

Learned counsel for the petitioners submits that the examination was though conducted in the premises, wherein, petitioner No.1 was officiating as Invigilator and petitioner No.2 was officiating as Technician in the technical team, whereas, the entire process of examination was carried out under the observation of representatives of AIR Force. Learned counsel also submits that the petitioner is in custody for the last more than 2½ months now and the investigation in the present case already stands

concluded with the filing of challan on 18.03.2023, however, charges are yet to be framed, thus, the trial is likely to take some time. He further submits that there is no other case registered against both the petitioners.

Status report by way of affidavit of Darpan Ahulwalia, IPS, Assistant Superintendent of Police, Sub Division Derabassi, District SAS Nagar Mohali filed in Court today is taken on record.

While referring to aforesaid reply, learned State counsel submits that there are serious allegations against the petitioners regarding helping the candidates to get them passed in the aforesaid exam.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of learned counsel for the petitioner.

Considering the fact that the petitioner is behind the bars for the last 2½ months now, the investigation in the present case already stand concluded with the filing of challan, however, charges are yet to be framed and trial is likely to take some time, besides it, there being no other case registered against the petitioner, there does not appear to be any justification to extend his incarceration any further.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

20.04.2023

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(HARKESH MANUJA)
JUDGE

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