

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

207

CRM-M-15039-2023

Decided on : April 29, 2023

ANIL

..... Petitioner

Versus

STATE OF UNION TERRITORY, CHANDIGARH

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. A. M. Punchhi, Public Prosecutor, U.T. Chandigarh.

NAMIT KUMAR, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0166 dated 30.11.2022 , under Sections 419, 420 and 511 of IPC (Sections 467, 468, 471 & 120-B of IPC), registered at Police Station West Sector-11, U.T. Chandigarh (Annexure P-1).

2. As per the FIR, Chandigarh Police had published 49 posts for the post of ASI (Executive) for which the forms were to be filled up through Online mode. However, on 23.11.2022 a letter/complaint was made to Inspector General of Police (Crime Branch), Chandigarh Police by Sh.P.K.Sharma, Consultant for Chief Coordinator, Panjab University, Chandigarh that on scrutiny of the Online filled in forms for the above-post of ASI (Executive) at University Institute of applied Manager Sciences (Examination Unit) Aruna Ranjit Chandra Hall near Post Office, Sector-14, Panjab University, Chandigarh on 23.11.2022, total 122 candidates were found who had filled up the above-post in duplicate/triplicate.

The said application forms seem to be doubtful and their credentials need to be verified. On the basis of this complaint, present FIR was registered and during

investigation it was found that accused (petitioner) had got filled up the duplicate form of his wife namely Rojal for the post to take benefit in the written test.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. He further submits that his co-accused namely Chander Kant @ Chunnu and Naresh have already been released on regular bail by the Courts of learned Judicial Magistrate Ist Class, Chandigarh and learned Additional Session Judge, Chandigarh, vide orders dated 24.12.2022 (Annexure P-2) and 24.02.2023 (Annexure P-5), respectively. He further submits the petitioner is at parity with co-accused Naresh. He further submits another co-accused namely Hardeep Singh has also been released on regular bail by learned trial Court vide order dated 24.12.2022 and produced the copy of aforesaid order in the Court, which is taken on record. He further submits that investigation in the present case is complete; *Challan* has been presented; charges are yet to be framed and the case is now fixed before the trial Court on 10.05.2023. He submits that petitioner is in custody since 11.12.2022 and he is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, while filing reply dated 28.04.2023 in Court, the copy of which is supplied to the counsel opposite, opposes the prayer for grant of regular bail to the petitioner and submits that keeping in view the seriousness of allegations, he is not entitled for regular bail. However, he could not dispute that investigation in the present case is complete; *Challan* has been presented; charges are yet to be framed and petitioner is in custody since 11.12.2022 and role attributed to the petitioner is at parity with co-accused Naresh, who has already been enlarged on bail.

5. I have heard learned counsel for the parties and perused the record.
6. Keeping in view the custody of the petitioner, which is more than 04 months; investigation is complete; challan has been presented; charges are yet to be framed; petitioner is not involved in any other case and is at parity with co-accused Naresh and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.
7. The petition stands disposed off accordingly.

April 29, 2023
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(NAMIT KUMAR)
JUDGE

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