

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

CRM-M-18827-2023

Decided on:-24.04.2023

Yogesh Sharma

....Petitioner..

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.

2. As per the allegations, petitioner being the Invigilator was found helping his co-accused, namely, Ayush, against whom, the allegations were of 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 receiving huge money from the candidates.

3. Learned counsel for the petitioner submits that the petitioner was nominated as an accused only on the basis of disclosures made by Rahul, Anoop Chand and Ayush. He further submits that the examination was though conducted in the premises, wherein, petitioner was officiating as

Invigilator, 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 3 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 the petitioner, besides it, co-accused of the petitioner have already been granted the concession of regular bail by this Court vide order dated 20.04.2023 passed in CRM-M-12814-2023.

4. On the other hand, prayer made in the present petition has been opposed by learned State counsel while submitting that there are serious allegations against the petitioner.

5. 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.

6. Considering the fact that the petitioner is behind the bars for the last 3 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, particularly, when co-accused have already been granted the concession of regular bail by this Court vide order dated 20.04.2023 passed in CRM-M-12814-2023.

7. 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.

24.04.2023
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE