

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19255-2023
Date of Decision:31.05.2023

Ashish
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON’BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Ajay Kripal Singh, Advocate for
Mr. Aman Pal, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J.(ORAL)

1. Petitioner (Ashish) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.433 dated 07.08.2021 ,under Sections 120-B, 420, 467, 468 & 471 of the Indian Penal Code and Section 66 of the Information Technology (Amendment) Act, registered at Police Station Kaithal City, District Kaithal.
2. On 19.04.2023, the following order was passed by this Court :-

Petitioner (Ashish) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.433 dated 07.08.2021, under Sections 120-B, 420, 467, 468 & 471 of the Indian Penal Code and Section 66 of the Information Technology (Amendment) Act, registered at Police Station Kaithal City, District Kaithal.

Succinctly, allegations in the present case are to the effect that a question paper and answer key pertaining to recruitment in Haryana Police had been got leaked and sold off to various candidates at huge price.

Learned counsel for the petitioner submits that the present FIR No.433 dated 07.08.2021 was registered on the basis of a secret information and the petitioner was not named in the said FIR. It is submitted that the petitioner has been falsely implicated in this case on the basis of second disclosure statement dated 31.03.2022 (Annexure P-3) suffered by co-accused, namely Navneet Sharma, however, the petitioner has no link either with the said co-accused (Navneet Sharma) or with the examination paper or answer key in question and neither any of the family members of petitioner is a candidate for the said examination. It is submitted that after registration of the FIR in question, several persons were indicted in the present case, out of which, more than 40 co-accused were granted the concession of regular bail by the Court of Additional Sessions Judge, Kaithal and 15 other co-accused, were granted the benefit of regular bail by this Court vide common order dated 13.07.2022 passed in CRM-M-782-2022, along with 14 other petitions. Learned counsel contends that the aforesaid co-accused, namely Navneet Sharma, who has named the petitioner in his disclosure statement, has already been granted the benefit of regular bail vide order dated 22.07.2022 (Annexure P-2) passed by the Court of Additional Sessions Judge, Kaithal and another co-accused, namely Surender, who was also named by the said Navneet Sharma in his disclosure statement dated 31.03.2022 (Annexure P-3), has been granted the concession of anticipatory bail by this Court vide order dated 13.09.2022 (Annexure

P4) passed in CRM-M-33563-2022 titled as “Surender Vs. State of Haryana”.

Learned counsel for the petitioner states that the anticipatory bail application moved by the petitioner before the Court of Additional Sessions Judge, Kaithal, has wrongly been dismissed, vide order dated 12.04.2023 (Annexure P-5). Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

At the asking of Court, Mr. Amrik Narwal, Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.

List on 31.05.2023.

Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

4. Learned State counsel, on instructions from Assistant Sub Inspector Jaswant, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not

required at this stage.

5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 19.04.2023, passed by this Court, is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.
8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.
10. Present petition is accordingly disposed of.

31.05.2023
Jyoti Thakur

(HARSH BUNGER)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable:</i>	<i>Yes/No</i>