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

CRM-M-43391-2022

Date of Decision: 14.02.2023

Sandeep

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Mohinder Singh Kathuria, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.433 dated 07.08.2021, registered under Sections 420, 467, 468, 471, 120-B and 201 of the Indian Penal Code, 1860 and Section 66 of Information Technology Act (Amendment 2008), registered at Police Station City Kaithal, District Kaithal, Haryana.

A reply by way of affidavit of Ravinder Sangwan, HPS, DSP, Kaithal on behalf of respondent-State is filed by learned State counsel in Court today and the same is taken on record, subject to all just exceptions.

On 20.09.2022, the following order was passed by a co-ordinate Bench of this Court :-

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.433, dated 7.8.2021, Police Station City Kaithal, District Kaithal, Haryana, under Sections 420, 467, 468, 471, 120-B, 201 of Indian Penal Code and Section 66 of Information Technology Act (Amendment 2008).

The allegations, in nutshell, are that the accused had leaked and sold of the question paper pertaining to recruitment of Constables in State of Haryana to candidates.

Learned counsel for the petitioner submitted that the role of the petitioner is absolutely identical to that of co-accused Rajbir Dhaka, who has already been granted anticipatory bail by this Court vide order dated 13.9.2022 (Annexure P-2) passed in CRM-M-37552 of 2022.

Notice of motion for 14.2.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

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

Learned State counsel on instructions from Inspector Amit (Incharge Special Detective Unit, Kaithal) has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

It is submitted that co-accused have already been granted regular bail and since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 20.09.2022 by the Co-ordinate Bench of this Court is made absolute.

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) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above 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 anticipatory bail at this stage.

The petition is accordingly disposed of.

14.02.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No