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

CRM-M-45166-2022

Date of Decision: 23.02.2023

Rakesh Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Parmod Chauhan, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 read with Section 482 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, 201 and 120-B of Indian Penal Code and Section 201 of Indian Penal Code and Section 66 of Information Technology Act (added later on), registered at Police Station City Kaithal, District Kaithal.

On 28.09.2022, 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, under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, wherein offences under Sections 201 IPC and Section 66 of I.T. Act were added later on.

The allegations, in nutshell, are to the effect that a question paper in respect of recruitment of Constables in Haryana, had been leaked and had been sold of by accused for huge amounts to various candidates.

Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be

nominated on the basis of a disclosure statement allegedly made by Navneet Sharma, who is stated to be amongst those, who were selling the leaked question paper. Learned counsel submits that the petitioner, who was a candidate, cannot be said to be amongst the main accused and, in any case, there is no substantial evidence as regards any monetary transaction having been effected with the petitioner or anything to show that the petitioner had further passed on any question paper to anybody else.

Learned counsel for the petitioner has further submitted that several other identical situated candidates including Jitender Kumar Ved Parkash, Rakesh, Pardeep etc. have already been granted bail by this Court vide order dated 13.7.2022 passed in CRM-M-782 of 2022 (Annexure P-3) and order dated 13.9.2022 passed in CRM-M-36602 of 2022 (Annexure P-4) and that, in these circumstances, the petitioner also deserves the same concession on grounds of parity.

Notice of motion for 23.2.2023.

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 of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

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 28.09.2022 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.

23.02.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No