

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

210

CRM-M-50255-2022 (O&M)
Date of decision: 28.07.2023

Mintu Mandal and another

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sanjeev Kodan, Advocate for the petitioners.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR No.462 dated 03.07.2022, registered under Sections 420, 120-B IPC read with Section 8 of Haryana Public Examination Prevention of Unfair Means Act, 2021, at Police Station Sector 32-33, Karnal, District Karnal.
2. Learned counsel contends that the petitioners are in custody for the last about 1 year after having been arrested on 03.07.2022 (petitioner No.1) and 06.07.2022 (petitioner No.2). They have been falsely implicated in the present case. They were not indulging in any cheating or unfair means in the examination as alleged in the FIR but it was on account of some misunderstanding due to language barrier, as the petitioners belong to West Bengal. The mobile phone and other related items were already taken in police possession. The case is triable by the Magistrate. Charges have been framed on 28.10.2022, however, only 7 out of 22 witnesses have been examined. They are not involved in any other case. The

petitioners are ready to furnish local surety or imposition of any other condition as may deem appropriate by this Court.

3. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioners of having leaked the question paper and provided the answer key. He is however unable to controvert the submissions made regarding the custody, stage of the trial and the petitioners not being involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last more than 1 year; not involved in any other case; though charges were framed on 28.10.2022 but only 7 out of 22 witnesses have yet been examined; the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and also a local surety, subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted

with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

8. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

28.07.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No