

CRM-M-52418-2022 (O&M);CRM-M-46578-2022 (O&M); -1-
CRM-M-46645-2022 (O&M) ;CRM-M-50716-2022 (O&M);
CRM-M-53701-2022 (O&M);CRM-M-54018-2022 (O&M) and
CRM-M-33332-2023 (O&M)

2023:PHHC:120807

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52418-2022 (O&M)
Date of Decision: 13.09.2023

(I)
Sachin

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-46578-2022 (O&M)

(II)
Deepak

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-46645-2022 (O&M)

(III)
Rakesh Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-50716-2022 (O&M)

(IV)
Satyawar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-52418-2022 (O&M);CRM-M-46578-2022 (O&M); -2-
CRM-M-46645-2022 (O&M) ;CRM-M-50716-2022 (O&M);
CRM-M-53701-2022 (O&M);CRM-M-54018-2022 (O&M) and
CRM-M-33332-2023 (O&M)

2023:PHHC:120807

CRM-M-53701-2022 (O&M)

(V)
Pardeep Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-54018-2022 (O&M)

(VI)
Monu Sangwan

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-33332-2023 (O&M)

(VI)
Pardeep Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON’BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Nain, Advocate,
for the petitioner in CRM-M-52418-2022,
CRM-M-46578-2022,CRM-M-50716-2022 and
CRM-M-54018-2022.

Mr. Jai Bhagwan, Advocate,
for the petitioner in CRM-M-46645-2022.

Mr. Sanjay Kumar Saini, Advocate,
for the petitioner in CRM-M-53701-2022.

Mr. Mahipal S. Yadav, Advocate,
for the petitioner in CRM-M-33332-2023.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

CRM-M-52418-2022 (O&M);CRM-M-46578-2022 (O&M); -3-
CRM-M-46645-2022 (O&M) ;CRM-M-50716-2022 (O&M);
CRM-M-53701-2022 (O&M);CRM-M-54018-2022 (O&M) and
CRM-M-33332-2023 (O&M)

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JASGURPREET SINGH PURI, J. (Oral)

1. All the seven petitions are taken up together for final disposal with the consent of learned counsel for the parties since the prayer in all the seven petitions pertain to the grant of anticipatory bail and they arise out of the same FIR.

2. All the learned counsels appearing on behalf of the petitioners have submitted that vide order dated 14.07.2023 passed in CRM-M-33332-2023 and in the remaining six cases vide separate orders dated 21.11.2022, the petitioners were directed to join investigation. They further submitted that all the petitioners have already joined the investigation and they are fully cooperating with the investigation process.

3. However, the learned Deputy Advocate General, Haryana has stated on instructions from ACP Surender Singh who is the Investigating Officer of the present case and is present in the Court today that so far as the joining of the investigation of all the petitioners is concerned, the same is correct. However, he has submitted that the petitioners have not fully cooperated with the investigation process because the money which they had given to the other persons has not been recovered from anybody nor during investigation they have disclosed the names of other persons who were their accomplices and therefore, the prayer of the petitioners for grant of anticipatory bail may be declined.

4. I have heard the learned counsel for the parties.

CRM-M-52418-2022 (O&M);CRM-M-46578-2022 (O&M); -4-
CRM-M-46645-2022 (O&M) ;CRM-M-50716-2022 (O&M);
CRM-M-53701-2022 (O&M);CRM-M-54018-2022 (O&M) and
CRM-M-33332-2023 (O&M)

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5. The allegations in the present cases as per the FIR were that the Haryana Staff Selection Commission had conducted an exam for the purpose of recruitment of Clerks in various districts and sub-divisions of Haryana. During the scrutiny of documents, cases of impersonation came to the notice of the Commission and there was a list of 15 suspicious cases. The allegations were that the biometrics impression of the real candidate did not match with the petitioners and due to this suspicion, the FIR was registered.

6. Admittedly, all the petitioners in pursuance of the interim orders passed by this Court have joined the investigation. The only objection which has been taken by the learned State counsel is that the petitioners during the course of investigation did not disclose the names of the persons who are their accomplices. The record of biometrics and relevant documents pertaining to the identity of the petitioners and the other candidates is already with the Haryana Staff Selection Commission. On a query being raised to the learned State counsel as to whether there is any recovery with regard to the record etc. to be made from the petitioners to which he submitted that no such recovery is to be effected from the petitioners with regard to the record or the scientific evidence etc. The offences in the present case are under Section 8 (1) of Haryana Public Examination (Prevention of Unfair Means), Act, 2021 and Sections 120-B, 419, 420, 467, 468 and 471 IPC and the case is triable by the Magistrate. This Court is of the considered view that the objection taken by the learned State counsel is not sustainable to the effect that the petitioners have not

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CRM-M-46645-2022 (O&M) ;CRM-M-50716-2022 (O&M);
CRM-M-53701-2022 (O&M);CRM-M-54018-2022 (O&M) and
CRM-M-33332-2023 (O&M)
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been able to disclose the names of the other accomplices.

7. Consequently, all the seven petitions are allowed.
8. The orders dated 21.11.2022 passed in CRM-M-52418-2022, CRM-M-46578-2022, CRM-M-46645-2022, CRM-M-50716-2022, CRM-M-53701-2022 and CRM-M-54018-2022 and order dated 14.07.2023 passed in CRM-M-33332-2023 are hereby made absolute.

13.09.2023	(JASGURPREET SINGH PURI)
rakesh	JUDGE
Whether speaking	: Yes/No
Whether reportable	: Yes/No