

106

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 50020-2023
Date of decision: 04.10.2023*Ravinder**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Ankit Chahal, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 602 dated 18.05.2022, registered under Sections 419 and 420 (Section 120-B IPC added later on), at Police Station Hisar Sadar, District Hisar, Haryana.

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner has surfaced only on the basis of the alleged disclosure statement of the co-accused, wherein the said co-accused is stated to have disclosed that it was the petitioner, who had handed over the Aadhaar Card and Roll Number of the co-accused to some other person to impersonate him. Therefore, even as per this story, the petitioner is not

involved in the actual impersonation, as such. It is further submitted that the petitioner himself is not in the government service, rather, he is running a shop of selling fertilizers. Therefore, the petitioner is, otherwise also, not a proper person to clear the competitive exam on behalf of some body else; by any impersonation. The petitioner shall join the investigation as and when called by the police. The petitioner deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf of the respondent - State.

5) Counsel for the State, being instructed by SI Subhash Chander has submitted that the name of the petitioner has duly surfaced during investigation of the case. It is further submitted that the petitioner along with other co-accused was instrumental in getting impersonated Arun Kumar so as to clear the competitive exams on his behalf. The investigation is at the initial stage. The police need the custodial interrogation of the petitioner to find out the true dimensions of involvement of the petitioner in the crime. However, it is not disputed that except the general allegations of being part of a group, who was instrumental in impersonating, there is no specific allegation against the petitioner. It is not even the allegation in the case that it was the petitioner who impersonated the actual candidate.

6) In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the

petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

October 04, 2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No