

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-52489-2022

Date of Decision: 16.03.2023

Sandeep Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. M.S. Chahal, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 630 dated 25.05.2022 registered under Sections 419 and 420 IPC at Police Station Sadar Hisar, District Hisar.

Briefly, on 25.02.2022, Saramvir Singh, Assistant Commandant BSF Camp, Hisar, moved an application to the effect that PET/PST in connection with recruitment of CT (GD) 2021 in CAPFs, NIA, SSF, SSF and Rifleman (GD) in Assam Rifles Exam 2021 being conducted w.e.f. 18.05.2022 onwards. During recruitment process on 25.05.2022, the biometric data as well as photographs of two candidates, namely, Navdeep S/o Mahender Singh and Gaurav S/o Risal Singh did not match as per data provided to the board by Nodal Agency CRPF.

The Board suspected them to be impersonating as their Left Thumb

impression and photo did not match with the data. Prayer has been for taking action against them. Upon the said information, aforesaid FIR was registered. During investigation, co-accused Gaurav and Navdeep were arrested on 25.05.2022 and suffered disclosure statements to the effect that they had paid money to the petitioner for clearance of the written examination.

Learned counsel for the petitioner, *inter alia* contends that petitioner was not named in the FIR. He has falsely been implicated in the instant case on the basis of disclosure statement suffered by his co-accused which is a very weak type of evidence. Co-accused, namely, Gaurav and Navdeep, have already been granted regular bail by the trial Court. The offences are triable by a Magistrate. Challan has already been presented. Nothing has to be recovered from the petitioner. Petitioner is in custody since 30.09.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may also be released on regular bail.

On the other hand learned counsel for the State vehemently opposed the submissions of learned counsel for the petitioner and submits that the allegations against the petitioner are serious in nature. Biometric data of co-accused Navdeep and Gaurav did not match during physical examination test because some other persons had appeared in the written examination on their behalf. As per their disclosure statement, it was revealed that the petitioner had taken a sum of Rs.3.5 lakhs from each to them for clearance of the written examination.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that co-accused of the petitioner namely, Navdeep and Gaurav, have already been granted the concession of bail by the trial Court, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Sandeep Kumar, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

March 16, 2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No