

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-3995-2024

Date of Decision:-05.02.2024

Amit Kumar.

.....Petitioner.

Vs.

State of U.T., Chandigarh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sunil Kaushik, Advocate for the Petitioner.

Mr. Manish Bansal, PP U.T., Chandigarh with
Mr Ambush Singla, Advocate for respondent.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.273 dated 27.08.2023 under Sections 419, 420 and 120-B IPC registered at Police Station Sector 36, U.T., Chandigarh.

2. The present FIR came to be registered on the basis of a complaint by Sukhwinder Singh, Invigilator, Jagan Nath, Centre Superintendent, Professor R.K. Sharma, Observer and Professor Nisha Aggarwal Co-ordinator with the allegations that in the examination for ASI (Executive) a candidate Mr. Anand (since granted bail vide order dated 07.12.2023 passed in CRM-M-60612-2023) son of Raj Kumar had been impersonated by one Amit Kumar (petitioner).

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He had not appeared as Anand.

As the petitioner was in custody since 27.08.2023, none of the 23 prosecution witnesses have been examined so far and Anand had been granted bail, he was entitled to the concession of bail, more so when the case was triable by the course of a Magistrate.

4. The Counsel for the State on the other hand contends that Amit (petitioner) had appeared in place of Anand for the ASI (Executive) examination. Thus, the offence was established beyond any doubt and the petitioner was not entitled to the grant of bail more so when he was an accused in other case of a similar nature. He however concedes that the petitioner is in custody since 27.08.2023, none of the 23 prosecution witnesses have been examined so far and that a co-accused had been granted the concession of bail.

5. I have heard learned Counsel for both the parties at length.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab*** bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial.

Admittedly, the petitioner is stated to be in custody since 27.08.2023 and

none of the 23 prosecution witnesses have been examined so far. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

8. Thus, without commenting on the merits of the case, the petitioner-**Amit Kumar** son of Sh. Om Parkash is ordered to be released on bail subject to their satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in the affidavit of the State dated 05.02.2024.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioners from the Trial without sufficient cause.

11. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 05, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No