

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.5595 of 2024
Date of Decision: 07.02.2024

PARKASH KHATANAPetitioner

Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.281 dated 21.10.2023 registered under Sections 170, 420, 467, 468, 471, 120-B, 201 IPC and Section 8(1)(4) of Haryana Public Examination (Prevention of Unfair Means) Act, 2021 at P.S. Sadar Tohana, District Fatehabad.
2. Learned counsel for the petitioner submits that the petitioner has been implicated for having sold Airtel Service Provider's mobile sim to one of the accused named in the FIR as Sushil Kumar. It has been found during investigation that the sim sold by the petitioner was used by said Sushil Kumar while committing the offence.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the sim was sold by the petitioner to Sushil Kumar against forged documents and without due verification.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the investigation already stands concluded with the filing of challan and the petitioner is behind the bars for a period of almost 02 months. It has not been disputed by learned State counsel that petitioner had no role in helping the candidates appearing for Common Eligibility Test (CET) for the purpose of cheating in connivance with the said Sushil Kumar, whom the sim was allegedly sold without proper verification of documents. Petitioner is not involved in any other similar case.

6. Considering the fact that the petitioner has already suffered incarceration for a period of almost 02 months and the trial will take sometime in its culmination, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

February 07, 2024
Atik

(HARKESH MANUJA)
JUDGE

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