

205 (1st case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.55851 of 2023 (O&M)
Date of decision : 04.01.2024**

Pooja

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vansh Malhotra, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.218 dated 22.10.2023 (P-1), under Sections 419 & 420 of the Indian Penal Code, 1860 and Section 8 (1) of the Haryana Public Examination (Prevention of Unfair Means) Act, 2021, registered at Police Station, Guhla, District Kaithal.

(2) Above FIR was registered on the basis of complaint made by Darshan Rani, Vice Principal-cum-Centre Superintendent, Public School, Dusrepur, Guhla Centre with the allegations that on 22.10.2023, finger

impressions of two candidates, namely, Amarlata & Kavita, who appeared in Common Eligibility Test (CET) for Group-D posts, were not matched. They were detained and asked to reveal their identity; but they were not having any valid proof. During interrogation, co-accused Amarlata revealed that she was a proxy candidate for petitioner-Pooja and co-accused Kavita acknowledged her complicity in the commission of crime.

(3) This Court, while issuing notice of motion on 08.11.2023, granted interim bail to petitioner and the same reads as under:-

“Petitioner is present in person and submits that she applied for the post in question, but could not take the examination due to ill health of her minor child, aged 02 years. Also submits that she is ready to join the investigation.

Notice of motion for 04.01.2024.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to file written response in the matter.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

(5) Learned State Counsel, on instructions from A.S.I. Baljeet Singh, duly acknowledged the above factual position and submitted that

petitioner has joined investigation and her custodial interrogation is not required at this stage.

- (6) In view of the above, interim order dated 08.11.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.
- (10) Pending application(s), if any, shall also stand disposed off.

4th January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes