

205 (2nd case)

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

**CRM-M No.57811 of 2023 (O&M)
Date of decision : 04.01.2024**

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...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanchit Punia, 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 Pooja (petitioner in CRM-M-55851-2023) and co-accused Kavita acknowledged her complicity in the commission of crime.

(3) Reply by way of affidavit dated 01.01.2024 of Sh. Kuldeep Beniwal, DSP, Guhla has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) This Court, while issuing notice of motion on 17.11.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner gave a birth to male child on 21.09.2023 (P-2) and she did not opt to appear in the Common Entrance Exam (CET) for Group ‘D’ Posts on 22.10.2023; thus, the allegations, leveled by the prosecution, are baseless.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 04.01.2024.

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 in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

To be heard along with CRM-M-55851-2023 (P-3).”

- (5) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.
- (6) 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.
- (7) In view of the above, interim order dated 17.11.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) 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.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

4th January, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>