

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-60503-2023

Date of decision: 15.02.2024

DINESH AND ANOTHER

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. K.S. Virk, Advocate
for the petitioners.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. The petitioners, who are real brothers, have filed the instant petition for grant of regular bail, in case FIR No.345 dated 21.10.2023, under Sections 120-B/419/420/468/471 of IPC, and, under Section 8(1) of the Haryana Public Examination (Prevention of Unfair Means) Act, 2021, registered at Police Station Sadar Uklana, District Hisar.
2. The genesis of instant FIR is embodied in a complaint made by one Smt. Shalu Bala, Centre Superintendent, wherein, she alleged that a different boy had appeared in examination for Roll No.25738293 of Dinesh Kumar.
3. During investigation, the petitioner No.2-Anil suffered a disclosure statement, disclosing therein that, he had appeared in examination for his brother Dinesh Kumar petitioner No.2. Anil also produced original Aadhar card, and Voter card of his brother Dinesh Kumar petitioner No.1 during investigation, and, later on petitioner No.1-Dinesh Kumar was also arrested, and, two mobile phones

were recovered at his instance, which were taken into custody. Specimen signatures of both the petitioners, were also obtained. Now all the documents, and, the specimen signatures have been sent for the FSL examination.

4. Learned counsel for the petitioners submits that both the brothers have clean antecedents, and, they are not involved in any other criminal case. Learned counsel for the petitioners further submits that though the final report has already been filed, but the report of experts *qua* fabrication is yet awaited, therefore, keeping the petitioners behind the bars, who are already languishing therein since 21.10.2023, would serve no gainful purpose.

5. On the other hand, learned State counsel on instructions, imparted to him by ASI Vikram, submits that though the petitioners were arrested way back on 21.10.2023, and, have clean antecedents, but the investigation is still under way, as the supplementary challan is required to be filed, upon getting complete documents from the NTA (National Testing Agency).

6. Be that as it may, considering the fact that the petitioners, who are real brothers, have already undergone sufficient incarceration, as they are behind the bars since 21.10.2023, also considering the fact that all the offences are triable by the Court of Judicial Magistrate, First Class, and the conclusion of trial will take long time, as the recording of prosecution witnesses is yet to commence, therefore, without commenting upon the merits of the case, and, this Court deems it appropriate to enlarge the petitioners on regular bail. The present petition is **allowed**, and the petitioners are ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on

the merits of the trial, and is only meant for deciding the present petition.

15.02.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No