



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

Sr. No.288

**CRM-M- 62750-2023
Date of Decision:24.07.2024**

Sunil Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana

RAJBIR SEHRAWAT, J.(ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No. 413 dated 22.05.2023, registered under Sections 419, 420, 467, 468, 471 and 120-B IPC and Section 8(4) of the Haryana Public Examination (Prevention of Unfair Means) Act, 2021 (Haryana Act No. 25 of 2021) at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. The counsel for the petitioner has submitted that the case against the petitioner is totally frivolous and concocted one. The prosecution has not been able to connect the petitioner with the alleged crime. To show the complicity of the petitioner in the alleged crime, the prosecution has only fabricated the alleged recovery of Rs.2700/- from the petitioner. However, recovery of currency notes is not even a recovery for the purpose of the trial, in the eyes of law. The co-accused namely Neeraj, who impersonated by the co-accused Sanjay Rithwal and the latter, both of them have already been released on bail. The petitioner is in custody since 23.05.2023. There



CRM-M- 62750-2023

is no other case against the petitioner. Therefore, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned counsel for the State, being instructed by SI Jagdish Chand, has submitted that the petitioner is involved in criminal activity of vitiating the sanctity of the examination held for the highest service of the State. Therefore, the petitioner is involved in a heinous crime. Hence, the petitioner does not deserve any concession of bail pending trial. However, it is not disputed that the petitioner is in custody since 23.05.2023 and that there is no other case against the petitioner. Further, it is also not disputed that the co-accused namely Neeraj and Sanjay Rithwal have already been released on bail.

4. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed . The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24.07.2024
dinesh

(RAJBIR SEHRAWAT)
JUDGE

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