

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.62977-2023 (O&M)
Date of Decision: 16.04.2024

Sandeep

..... Petitioner

Versus

State of U.T. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. K.D. S. Hooda, Advocate for the petitioner.

Mr. J.S. Toor, Addl. P.P., UT, Chandigarh for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed, under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 124 dated 09.10.2023 under Sections 120B, 419 and 420 of Indian Penal Code, 1860, registered at Police Station, East Sector-26, District Chandigarh.

2 Allegations are that during verification and attendance of the candidates at check desk of PEMT recruitment, biometric of a candidate named Prince having roll No. 768239 went unverified. During further checking of the data, it was found that photo of candidate who appeared in written exam on roll No. 768239 also did not match with the person who came for physical examination.

3. Learned counsel for the petitioner contends that he is regularly appearing before the Court below and there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner.

4. Learned State counsel, on instructions, has apprised the Court that petitioner is fully cooperating before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 09.02.2024.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court, granted interim bail to the petition on 09.02.2024, in the following manner:-

“ Custody certificate has been filed. The same is taken on record.

Contends that charges have already been framed; but out of total 32 prosecution witnesses, none has been examined till date. Also contends that there is no other criminal case pending against the petitioner.

Learned counsel for the UT, Chandigarh seeks time to have instructions in the matter.

Posted for 16.04.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel duly acknowledged that after passing of the aforesaid order, petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper proceedings in any manner. In such a scenario, sending petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 09.02.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each and every date of hearing and to fully cooperate with the learned trial Court without seeking any unnecessary adjournment(s).
10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

16.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>