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

CRM-M-63648-2023 (O&M)

Date of decision : 13.02.2024

Ajay

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Sahu, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.607 dated 21.10.2023, under Sections 188, 419, 420, 467, 471, 120-B 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, Adampur, Tehsil & District Hisar.

2. Allegations are that co-accused-Hardeep S/o Balwan impersonated the petitioner and appeared in his place during CET Group D Examination conducted by the State Government.

3. This Court, on 18.12.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Contends that petitioner is not named in the present FIR; rather nominated on the basis of disclosure

made by co-accused Hardeep and there is no other case pending against him.

Notice of motion.

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

Posted for 13.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him 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. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Sanjeev and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 18.12.2023 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.

13.02.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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