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

**CRM-M No.40546 of 2025
Date of decision : 04.08.2025**

Amit Kumar Jain

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rose Gupta, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.13, dated 17.01.2025, under Sections 318(4), 319(2), 336(3), 338, 340(2), 61(2), 238 of BNS, 2023, registered at Police Station Civil Lines, District Bhiwani.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Monika daughter of Ramniwas. It was alleged that she had done primary education from Seth Janki Dass, Girl Senior Secondary School, Sul. She applied for the post of Gramin Dak Sewak advertised by the Department of Posts, Ministry of Communications, Government of India. However she did not get selected. On 04.10.2024, she received a call from her school Seth Janki Dass Girls Senior Secondary School, Sui, from the Headmaster, who



informed that her document verification has come to school from Nagaur, Rajasthan. On reaching the school, she found that some other girl of the same name, Monika, daughter of Ramniwas had got re-issued her mark sheet of 10th standard which she never applied. It was found that the name of parents of that Monika was also same, as the name of her parents. She realized that fraud has been committed with her by that another Monika by getting the 10th mark sheet of her re-issued in her name. The request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. During the investigation, the said Monika was arrested and complicity of the petitioner also surfaced as he in conspiracy with other co-accused was alleged to have prepared the mark sheet issued to the co-accused Monika in the name of complainant. Thus she was also arrayed as an accused in the present case and was arrested on 01.03.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Bhiwani praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Bhiwani declined the petition filed by the petitioner vide order dated 19.05.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order passed by this Court in **CRM-M-36140-2025** dated 31.07.2025 whereby co-accused of the



petitioner, namely, Pinki @ Meghna, has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner has played an active role in committing the offence. He, on instructions has submitted that out of 29 prosecution witnesses, only one witness, i.e. the complainant, has been examined till date. He placed on record the custody certificate of the petitioner. He endorsed the fact that the case of petitioner is at par with co-accused, namely, Pinki @ Meghna, who has already been granted bail by this Court.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case during the investigation. Petitioner was arrested on 01.03.2025 and since then, he is behind the bars. Admittedly, co-accused of the petitioner, namely, Pinki @ Meghna, has already been granted bail by the Court vide order dated 31.07.2025 passed in **CRM-M-36140-2025**. Custody certificate produced would show that the petitioner has completed incarceration of 05 months as on 01.08.2025. It further shows that the petitioner has no criminal antecedents as he has never been involved in any other case.



6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner on the basis of parity with the co-accused as stated above. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.08.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No