

Shubham Vs State Of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: March 18, 2021

Acts Referred: Code Of Criminal Procedure, 1973 " Section 167(2), 439
Indian Penal Code, 1860 " Section 120B, 201, 420, 467, 468, 471

Hon'ble Judges: Raj Mohan Singh, J

Bench: Single Bench

Advocate: Ravinder Malik, Rajat Gautam

Final Decision: Allowed

Judgement

Raj Mohan Singh, J

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.17 dated 10.01.2021 registered under Sections 420, 120-B IPC

and Sections 467, 468, 471 and 201 IPC added later on at Police Station Samalkha, District Panipat.

Initially, the FIR was registered for the offences under Sections 420 and 120-B IPC. Name of the petitioner came to be nominated in the disclosure

statements of co-accused Subhash and Deepak. Petitioner was working as a salesman in the shop owned by Deepak. The business of Deepak has

been issued trademark under the Trade Marks Act, 1999, which deals in online security devises such as CCTV cameras, GPS Trackers, Spy

Trackers, Spy Products, Mobile Software, Computer Software, Bluetooth Device, Earpiece, Spy Gadgets etc. Jagdeep is owner of the school. The

allegations are that the co-accused Jagpal got arranged a meeting between the candidate Sangeeta and Jagdeep owner of the Paradise school and its

Principal Desh Bandhu and also got managed to send a slip of answer key in the examination room of Sangeeta. Sangeeta appeared in the

examination centre for the post of Gram Sachiv on 09.01.2021.

Learned counsel for the petitioner submitted that there was no occasion for anyone including Jagpal to get the meeting of Sangeeta arranged with

Jagdeep as Sangeeta herself is aunt of Jagdeep in distant relation and they knew each other very well. The offence under Sections 467, 468, 471 and

201 IPC were added on the ground that the accused Desh Badhu has delivered a forged HSSC cards to Rahul and Rajesh and also got deputed Nisha

on duty in the examination centre in violation of rules. Rahul and Sunil @ Sillu have been granted bail under Section 167(2) Cr.P.C by the Judicial

Magistrate First Class, Samalkha vide order dated 13.03.2021. Co-accused Vishavjeet has also been granted regular bail vide order dated 18.02.2021

passed by the Additional Sessions Judge, Panipat. Seema and Nisha have also been granted bail by the Additional Sessions Judge, Panipat vide order

dated 24.02.2021. Petitioner is in custody since 26.01.2021. Co-accused Jagpal has also been granted regular bail by this Court vide order dated

17.03.2021 passed in CRM-M No.11070 of 2021.

Learned State counsel on instructions from the ASI Rajender Singh opposed the bail on the ground that the complicity of the petitioner on the basis of

disclosure statement of co-accused is prima facie established because he has provided the electronic gadget at place of occurrence which has been

recovered.

Keeping in view the offence being triable by the Magistrate and without forming any opinion on the merits of the case, I deem it appropriate to enlarge

the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the

satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.