

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

- (I)**

**CRM-M-22096-2016 (O&M)**  
**Date of decision:23.08.2016**

Harpreet Singh and another

...Petitioners

Versus

State of Punjab

...Respondent
- (II)**

**CRM-M-24537-2016**
- Manoj Rajpal

...Petitioner
- Versus
- State of Punjab

...Respondent

**(III)**

**CRM-M-24898-2016**

Kapil Garg

...Petitioner

Versus

State of Punjab

...Respondent

**(IV)**

**CRM-M-25079-2016**

Saurav Kumar @ Sourabh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

**(V)**

**CRM-M-25089-2016**

Manjit Singh Bittu and another

...Petitioners

Versus

State of Punjab

...Respondent

**(VI)**

**CRM-M-25124-2016**

Chandresh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

**(VII)**

**CRM-M-25868-2016 (O&M)**

Robin Goel

...Petitioner

Versus

State of Punjab

...Respondent

**(VIII)**

**CRM-M-26081-2016**

Keshav Kakaria

...Petitioner

Versus

State of Punjab

...Respondent

**(IX)**

**CRM-M-27054-2016**

Sandeep Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.**

Present: Mr. Bipan Ghai, Senior Advocate, with  
Mr. Paras Talwar, Advocate,  
for the petitioners (in CRM-M-22096-2016 and  
CRM-M-27054-2016).

Mr. A.D.S. Sukhija, Advocate,  
for the petitioner (in CRM-M-24537-2016).

Mr. Kanwaljit Singh, Senior Advocate, with  
Mr. Pushpinder Kaushal, Advocate,  
for the petitioner (in CRM-M-24898-2016).

Mr. Parvesh Sachdeva, Advocate,  
for the petitioner (in CRM-M-25079-2016 and  
CRM-M-26081-2016).

Mr. J.S. Bedi, Senior Advocate, with  
Mr. Harpreet Multani, Advocate,  
for the petitioners (in CRM-M-25089-2016).

Mr. Sherry K. Singla, Advocate,  
for the petitioner (in CRM-M-25124-2016).

Dr. Rau P.S. Girwar, Advocate,  
for the petitioner (in CRM-M-25868-2016).

Mr. Amit Singh Sethi, Additional AG, Punjab.

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**M.M.S. BEDI, J (Oral)**

This common order will dispose of the following nine petitions for pre-arrest bail: **(I) CRM-M-22096-2016; (II) CRM-M-24537-2016; (III) CRM-M-24898-2016; (IV) CRM-M-25079-2016; (V) CRM-M-25089-2016; (VI) CRM-M-25124-2016; (VII) CRM-M-25868-2016; (VIII) CRM-M-26081-2016 and (IX) CRM-M-27054-2016**, as they arise out of the same FIR.

The FIR was registered at the instance of DSP Yogi Raj alleging that during the course of investigation in FIR No. 4, dated 06.04.2016, under Sections 409, 420 and 120-B IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station, Vigilance Bureau Flying Squad-I,

Mohali, relating to leakage of question papers pertaining to examination for entering into various services in local bodies of Punjab, it transpired that papers regarding various posts in PUNSUP were also leaked. The present FIR No. 5 was registered on 24.05.2016 under Sections 409, 420 and 120-B IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, at Police Station, Vigilance Bureau Flying Squad-I, Mohali, pertaining to the leakage of papers for various posts in PUNSUP.

The petitioners were granted concession of interim bail. They have joined the investigation. The role attributed to the petitioners is that either they are the beneficiaries of having the knowledge of leaked paper or they acted as conduits, who had taken the candidates to Lucknow, where the contents of the leaked paper were made known to the beneficiaries.

Petitioners in CRM-M-22096-2016, namely Harpreet Singh and Gurdit Singh, are the beneficiaries of the leaked papers and have got jobs as Inspector Grade I and had gone to Lucknow.

The petitioner namely Manoj Rajpal in CRM-M-24537-2016 is alleged to have paid a sum of Rs. 15,00,000/- to Amandeep Singh and Sukhpreet Singh for seeing the paper.

Petitioner namely Kapil Garg in CRM-M-24898-2016 is stated to be a beneficiary, who had obtained the job of Senior Assistant (Accounts) with the assistance of main accused,

Amandeep Singh and Sukhpreet Singh, who, on receipt of a sum of Rs. 14,00,000/- had shown the paper to the petitioner in a hotel in Chandigarh.

Petitioner namely Saurav Kumar @ Sourabh Kumar in CRM-M-25079-2016 is a beneficiary, who had obtained job on payment of a sum of Rs. 3,50,000/- to the conduits.

Petitioners namely Manjit Singh Bittu and Shagundeeep Singh Mann in CRM-M-25089-2016 worked as conduits and received a sum of Rs. 20,00,000/- from two candidates, who had cleared the examination.

Petitioner namely Chandresh Kumar in CRM-M-25124-2016 is a beneficiary, who had gone to Nazafgarh and was made aware of the contents of the paper for Inspector Grade II.

Petitioner namely Robin Goel in CRM-M-25868-2016 was able to get the job in PUNSUP after having contacted Amandeep Singh and Sukhpreet Singh and having paid a sum of Rs. 19,00,000/- to them.

Petitioner namely Keshav Kakaria in CRM-M-26081-2016 is a beneficiary, who, with the assistance of Amandeep Singh and Sukhpreet Singh, on payment of Rs. 10,00,000/-, had been shown the paper and was able to clear the examination of Inspector Grade II in PUNSUP.

The petitioners, namely Sandeep Kumar and Anil Kumar in CRM-M-27054-2016 were able to clear the examination and get the job after having acquired knowledge about the leaked paper with the aid of Pritpal Sharma, who had taken the petitioners to Lucknow, where Rajat @ Masterji had shown the question paper to them.

With the assistance of Mr. Amit Singh Sethi, Additional AG, Punjab and DSP Yogi Raj, I have gone through the police file. The relevant material against each of the accused is being gathered as the investigation is still in progress. The petitioners have joined the investigation. Some part of the amount has been recovered from the main accused, namely Amandeep Singh and Sukhpreet Singh, which had been obtained by them from different candidates. They are in custody in the connected cases. Amandeep Singh has been granted concession of bail in FIR No. 4, dated 06.04.2016 under Section 167 (2) Cr.P.C.

After considering all the facts and circumstances of the case, it transpires that the petitioners are part of the scam of leakage of papers and have been able to get the advantage of the irregularity and leakage of secrecy. The petitioners having caused any wrongful loss to any victim or having gained wrongfully, will be a debatable issue, if seen in context to the offences mentioned in the Indian Penal Code. It will certainly be a debatable issue whether

necessary ingredients of Section 420 or 409 IPC are made out against all or any of them. The main culprits, who are responsible for the leakage, are yet to be traced. The custody of the petitioners by the Vigilance Department will not serve any effective purpose.

In the above said circumstances, all the petitioners, having joined the investigation, can be granted concession of pre-arrest bail. All the nine petitions are thus allowed. It is ordered that the petitioners shall be released on bail in case of their arrest in FIR No. 5 dated 24.05.2016 relating to Police Station Vigilance Bureau Flying Squad-I, Mohali, on their furnishing bail bonds/surety bonds to the satisfaction of the arresting officer subject to the following conditions:

- (1) that the petitioners will join the investigation as and when required by the investigating agency by sending a prior written notice of seven days;
- (2) that they will make available any document required by the investigating agency;
- (3) that they will not tamper with the evidence or hamper the investigation in any manner;
- (4) that they will not leave India without giving an intimation to the investigating agency during investigation and the trial Court after the investigating agency opts to present challan against the petitioners; and

(5) that they will not indulge in any similar activity of which they are accused of in the present case.

In case of violation of any of the abovementioned conditions, it will be open to the investigating agency to seek cancellation of bail. In case of non-cooperation of any of the petitioners, it will be open to the investigating agency to move an application for cancellation of bail.

**August 23, 2016**  
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**(M.M.S. BEDI)**  
**JUDGE**

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