IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15444 -2019 (O&M)
Date of Decision :01.10.2019

Karan Singh

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr.S.S.Dinarpur and
Mr. Subhash Godara, Advocates for the petitioner

Mr. Manish Bansal, DAG, Haryana

Mr. Naveen S Bhardwaj, Advocate for complainant

ANIL KSHETARPAL, J.(ORAL)

Petitioner prays for grant of pre-arrest bail in FIR No. 163 dated 1.3.2019 registered under Sections 420, 406, 506 IPC at Police Station Bhiwani City.

As per the case of the prosecution, petitioner alongwith certain co-accused was receiving money under the garb of ensuring employment in Indian Railways. As per the allegations, an amount of Rs.52 lakhs has been collected from 26 unemployed youth who were looking for a job.

Keeping in view the seriousness of the allegations, the case was adjourned enabling the petitioner to show his bona fides. He pursuant to the order of the Court has deposited a sum of Rs.26 lakhs.

Superintendent of Police, Bhiwani was also directed to file affidavit explaining the status of the investigation. Operative part of the

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affidavit reads as under:-

> "(i) Petitioner/accused Karan and Vikram Tyagi who happens to be a railway employee are friends since year 2014. Karan borrowed Rupees 8 lacs from him but couldn't repay. In September, 2018, Karan assured Vikram that he would manage to pass the candidates in Indian Railways examination by hacking the system.
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> (ii) Railway Recruitment Boards (hereinafter as RRBs) had invited online applications from eligible candidates for the recruitment of various posts in level 1st of 7th CPC Pay Matrix in various units of Indian Railways vide centralized employment Notice (CEN) No. 02/2018. Complainant Vishnu was also appearing in the said examination. Vikram Tyagi who is neighbour of Vishnu assured Vishnu that Karan would manage to get him through examination.
>
> (iii) Complainant Vishnu and Harbir sent the admit cards to Vikram Tyagi through whatsapp who forwarded the same to petitioner Karan Sheoran.
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> (iv) Karan Sheoran used to prepare a video by using the KineMaster Pro Video Editor app. He used to take the photograph and roll number from the admit cards received by him through whatsapp from Vikram Tyagi. One question was also included in each video by Karan to make the candidates believe that system was actually hacked by him. During interrogation, accused

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has revealed that questions were copied by him by searching online on Google. He had also seen the online mock tests link provided by RRBs so as to include same screen in video to give impression to the candidates that system was actually hacked by him.

(v) It has further surfaced that Vikram Tyagi had played the role of middleman in this whole commission of an offence. He is the one person who contacted Vishnu and Harbeer and assured them that Karan (petitioner/accused) would manage to hack the system during the examination and thus candidates appearing in examination would be able to get success. Vishnu and Harbeer further contacted other 22 candidates.

(vi) It has further surfaced that two lacs per candidate was given to Karan through Vikram Tyagi. Analysis of audio clips/ video clips/ CDRs reveals that both were in regular touch in relevant period and transaction had happened between them.

(vii) It has been surfaced during examination that no candidate could get through the examination for which Karan had assured to Vikram and took the money."

Petitioner has also filed additional affidavit drawing attention of the Court to an alleged settlement arrived at with the first informant according to which a further sum of Rs.26 lakhs has been paid. However,

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this fact is disputed by the first informant. Learned counsel for the petitioner has also relied upon another affidavit of the petitioner where some loan transaction of Rs.1 crore and 80 lakhs has been alleged.

This Court has heard learned counsel for the parties at length. In the considered view of this Court in case of such nature pre-arrest bail should not be granted and the police should carry out a thorough investigation. It is expected that investigating agency would conclude the investigation positively within a period of one month under the supervision of Superintendent of Police.

Disposed of.

Learned counsel for the petitioner submits that the amount deposited in this Court should be refunded to the petitioner.

At this stage, this Court does not find it appropriate to pass any order. Liberty is granted to the petitioner to move an appropriate application before the Court of Judicial Magistrate for appropriate relief.

(ANIL KSHETARPAL)
JUDGE

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

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