

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-30478-2019 (O&M)**
Date of Decision:- 25.7.2019

Gurtej	Versus	... Petitioner
State of Punjab		... Respondent

(II) **CRM-M-30511-2019 (O&M)**

Shesh Ram	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pawan Kumar Hooda, Advocate,
for the petitioner in **CRM-M-30478-2019**.

Mr. Manipal Singh Atwal, Advocate,
for the petitioner in **CRM-M-30511-2019**.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Raghbeer Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioner Gurtej and Shesh Ram, have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.55 dated 14.5.2019 registered at Police Station Dasuya, District Hoshiarpur under Sections 420 and 120-B of Indian Penal Code, 1860.

2. It is the case of prosecution that during the course of recruitment process of civil employees in Indian Army, 2688 candidates had appeared, who had initially been searched and made to sit in the examination. During the course of invigilation, one candidate namely Sukhvir Singh was checked, who was found to be carrying a mobile phone in his clip board. Additionally, a mini listening device and a dongle attached with a battery and SIM card reader connected via bluetooth were also found from the right pocket of his trouser. On the basis of suspicion other candidates were also checked and during the course of search Satish was found to be carrying dongle battery, Sonu Singh son of Shamsher Singh was also found to be carrying a dongle battery. Pardeep was also found to be carrying a dongle battery, Gurtej (petitioner) was found to be carrying a dongle battery and SIM card 4G of Vodafone company, Amit Kumar was found to be carrying battery, dongle SIM card reader, bluetooth connectivity, SIM card Airtel 4G and clip board, Shesh Ram (petitioner) was found to be carrying clip board, dongle battery, SIM card reader, bluetooth connectivity, SIM card Vodafone 4G, Sonu son of Banni Singh was found to be carrying clip board dongle battery, Sunil was found to be carrying clip board, battery dongle, SIM card reader, bluetooth connectivity, SIM card Airtel 4G, Ravinder was found to be carrying clip board, Mini listening device, clip board dongle battery, Dinesh was found to be carrying clip board, dongle battery, Saurabh was found to be carrying camera 360 IPS company photron and Sunil

Kumar @ Sushil Kumar was found to be carrying mini listening device.

3. The learned counsel for the petitioners has submitted that petitioner-Gurtej was found to be carrying a dongle battery and SIM card 4G of Vodafone company and petitioner Shesh Ram (petitioner) was found to be carrying clip board, dongle battery, SIM card reader, bluetooth connectivity, SIM card Vodafone 4G and that the said equipment are common accessories carried by younger generation and it can not be inferred that these were being carried for the purpose of cheating and that in these circumstances, the petitioners deserve the concession of bail.
4. Opposing the petition(s), the learned State counsel has submitted that since dongle battery and SIM card 4G of Vodafone company and clip board, dongle battery, SIM card reader, bluetooth connectivity, SIM card Vodafone 4G, were recovered from the petitioners, their complicity and their intention to cheat is evident and in these circumstances the petitioners do not deserve the concession of bail. It has, however, been informed that the petitioners have been behind bars since the last more than two months.
5. In view of the facts and circumstances of the case and while noticing that the petitioners have been behind bars since the last more than two months and no other recovery is to be effected from the petitioners, in my opinion, it is a fit case for grant of bail. The petitions, as such, are accepted and petitioners Gurtej and Shesh Ram are ordered to be released on bail subject to their furnishing bail

bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. The petitions stand accepted accordingly.

July 25, 2019
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(GURVINDER SINGH GILL)
JUDGE

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