

213

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

**CRM-M No.52626 of 2019
Date of Decision: 10.02.2020**

Karan Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Amandeep Chhabra, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.163 dated 01.03.2019 registered under Sections 420, 506 IPC (Section 406 IPC added later on) at Police Station City Bhiwani, District Bhiwani.

An amount of Rs.26 lacs was deposited in favour of the Registry of this Court. In CRM-M No.15444 of 2019, interim anticipatory bail was granted to the petitioner after deposit of four demand drafts amounting to Rs.26 lacs in the registry of

this Court. The said amount has been deposited in the official account. Thereafter, the Court proceeded to record divergent stand taken by the petitioner and the complainant viz-a-viz the remaining amount of Rs.26 lacs. According to the petitioner, the said amount was handed over to the complainant in the presence of the witnesses, whereas the complainant has denied the receipt of the said amount. Petitioner also filed additional affidavit in the context of the alleged amount, wherein he had taken a stand that a sum of Rs.26 lacs was paid. He further relied upon another affidavit, where some loan transactions of Rs.1,80,00,000/- was alleged against the petitioner.

Owing to the nature of controversy pending between the parties, this Court, refrained from granting anticipatory bail to the petitioner, however directed the police to carry out thorough investigation and conclude the investigation, positively within one month under the supervision of Superintendent of Police from 01.10.2019 i.e. the date on which anticipatory bail was rejected.

The allegations against the petitioner are that the petitioner and Vikram Tyagi are friends. Vikram Tyagi is an employee in Indian Railways. Petitioner borrowed an amount of Rs.8 lacs from Vikram Tyagi and he could not repay the same. In September, 2018, the petitioner assured Vikram Tyagi that he

would manage to pass the candidates in Indian Railways examination by hacking the system. Railway Recruitment Boards 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 is a neighbour of Vishu (complainant) and he assured the complainant that Karan would manage to get him passed in the examination. Complainant and one Harbir sent the admit cards to Vikram Tyagi through whatsapp who forwarded the same to the petitioner. Petitioner 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 the system was actually hacked by him.

During interrogation, accused 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 candidates that the system was actually hacked by him. Vikram Tyagi had played the role of middleman. He is the person who

contacted the complainant and Harbir and assured them that the petitioner would manage to hack the system during the examination and therefore, candidates appearing in examination would be able to get success. The complainant and Harbir further contacted other candidates. Further allegation is that an amount of Rs.2 lacs per candidate was given to Karan through Vikram Tyagi. The analysis of audio clips/video clips/CDRs reveals that both were in regular touch in relevant period and transaction had happened in this manner. No candidate could get through the examination for which the petitioner had assured Vikram Tyagi and took the money.

It is not in dispute that total amount collected by the petitioner in collusion with Vikram Tyagi was Rs.52 lacs out of which an amount of Rs.26 lacs was deposited by the petitioner which is still lying in the Registry. Qua remaining amount of Rs.26 lacs, there is an assertion that said amount has been paid to the complainant party, however, the said fact has been denied by learned counsel for the complainant.

In compliance of order dated 01.11.2019, challan has already been presented. Petitioner is in custody since 30.10.2019.

Perusal of the challan would show that there is no reference of remaining amount of Rs.26 lacs and the factum of

compromise between the parties has also not been commented upon. Charges have been framed.

Learned State counsel on instructions from SI Bhushan Kumar states that no prosecution witness has been examined so far, out of total 34 witnesses.

Keeping in view the custody of the petitioner, filing of the challan and framing of charges, I am of the view that at this stage, without meaning anything on merits of the case, regular bail of the petitioner can be considered. Petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court. The amount deposited by the petitioner shall remain deposited in the Registry of this Court and the same shall be disbursed to the trial Court only after conclusion of the trial for lawful payment to successful party.

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

10.02.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No