

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.

213

Date of decision: 13.07.2022

1. CRM-M-782-2022

VED PARKASH ... PETITIONER

V/S

STATE OF HARYANA ....RESPONDENT

2. CRM-M-1105-2022

JITENDER KUMAR ... PETITIONER

V/S

STATE OF HARYANA ....RESPONDENT

3. CRM-M-1625-2022

MUZAFAR AHMED SHAN ... PETITIONER

V/S

STATE OF HARYANA . ...RESPONDENT

4. CRM-M-1644-2022(O &M)

NARENDER KHANNA ... PETITIONER

V/S

STATE OF HARYANA ....RESPONDENT

5. CRM-M-2054-2022

MOHD. AFZAL DAR ... PETITIONER

V/S

STATE OF HARYANA ....RESPONDENT

6. CRM-M-6048-2022

RAMESH KUMAR ... PETITIONER

V/S

STATE OF HARYANA ....RESPONDENT

7. CRM-M-7015-2022

RAMESH KUMAR @ RAMESH @ RAMESH CHANDER  
... PETITIONER  
V/S

STATE OF HARYANA ....RESPONDENT

8. CRM-M-2463-2022(O &M)

NIHAL SINGH ... PETITIONER  
V/S

STATE OF HARYANA ....RESPONDENT

9. CRM-M-8536-2022

NAVEEN KUMAR ... PETITIONER  
V/S

STATE OF HARYANA ....RESPONDENT

10. CRM-M-5503-2022

KULDEEP ... PETITIONER  
V/S

STATE OF HARYANA ....RESPONDENT

11. CRM-M-5618-2022

RAJ KUMAR @ RAJU ... PETITIONER  
V/S

STATE OF HARYANA ....RESPONDENT

12. CRM-M-10176-2022

KAILASH VAISHTH ... PETITIONER  
V/S

STATE OF HARYANA ....RESPONDENT

13. CRM-M-5261-2022

SANDEEP ALIAS SANDEEP KUMAR ... PETITIONER  
V/S

STATE OF HARYANA ....RESPONDENT

14. CRM-M-14175-2022

KULDEEP SINGH ... PETITIONER

V/S

STATE OF HARYANA ....RESPONDENT

15. CRM-M-19216-2022

GAUTAM ... PETITIONER

V/S

STATE OF HARYANA ....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present : Mr. A.P.S.Deol, Senior Advocate with  
Mr. H.S.Deol, Advocate

Mr. Bipan Ghai, Senior Advocate with  
Mr. Paras Talwar, Advocate  
Mr. Deepanshu Mehta, Advocate  
Mr. Prabhdeep Singh Bindra, Advocate

Mr. Keshav Pratap Singh, Advocate  
Mr. Rajesh Nain, Advocate  
Mr. Pardeep Sihmar, Advocate  
Mr. Amitabh Tewari, Advocate  
Ms. Dilmrig Nayani, Advocate  
Ms. Mahima Gupta, Advocate  
Mr. N.K.Chhokar, Advocate  
Mr. Chander Pal Tiwana, Advocate  
Mr. Sandeep Singh Sangwan, Advocate  
Mr. Manoj Tanwar, Advocate  
Ms. Shaveta Sanghi, Advocate  
Mr. Aditya Sanghi, Advocate  
Mr. Robin Lohan, Advocate  
for the petitioner(s).

Mr. Deepak Sabharwal, Addl. A.G., Haryana  
Mr. P.P.Chahar, DAG, Haryana.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Since all the above petitions arise from a common FIR  
bearing No. 433 of 07.08.2021, registered at Police Station City

Kaithal, District Kaithal, wherein offences, constituted under Sections 420, 467, 468, 471, 120-B, 201 of IPC and Section 66 of Information Technology Act, 2000 (Section 201 of IPC and Section 66 of Information Technology Act, 2000 were added later on), are embodied, thereupon, all are being disposed of through a common verdict.

2. The Haryana Staff Selection Commission issued an advertisement in the month of April 2020, for making recruitments to the post of constables in the Haryana Police. The examinations concerned, were scheduled to take place on 7/8<sup>th</sup> August, 2021.

3. The examination papers alongwith the key answers thereto, were sent for printing to LMES printing press in Jammu. The prosecution alleges that, through a tainted source inside the press, the, leakage of the examination papers, as also of the key answers thereto, rather occurred. The prosecution alleges that the persons involved in the above leakages were Sandeep, Gautam and Naveen. The above accused persons are alleged to thereafter entice, and, induce the examinees concerned, through theirs demanding monies, rather to take from them, the examination questions concerned, and, also the key answers thereto. The accused concerned, were successful in their enticement, and, also received monies from the examinees concerned, who were to make participations in the examination(s), for recruitment to the above posts, and, which were to be conducted in the morning, and, evening sessions hence respectively, on 7/8<sup>th</sup> August, 2021, at various examination centres located within the State of Haryana.

4. However, since in the morning of 7<sup>th</sup> August, 2021, a secret information about the leakage of examination questions, as also of the

key answers thereto, was received, and, ultimately led to the nabbing of the accused persons concerned, thereupon the examinations which though took place in the morning, and, evening session of 7<sup>th</sup> August, 2021, besides the examination(s) scheduled for the morning, and, evening sessions of 8<sup>th</sup> August, 2021, yet never took place, and, were cancelled. Moreover, the entire recruitment process hence initiated for the advertised posts also became ultimately cancelled, necessarily so, as it became tainted.

5. In consequence, none of the examinees concerned, who became purveyed by the accused concerned, rather the examination questions concerned, and, the key answers thereof, did not, ultimately succeed in ensuring theirs' becoming recruited to the advertised posts.

6. In sequel, though, the examinees concerned, remained unsuccessful in the rescinded examinations, but yet, since on theirs making monetary disbursements to the principal accused concerned, who leaked the examinations questions to them, and, also leaked the key answers thereof, to each of them, rather all afore prima facie imminently, did inter-se conspire, and, also abet the causings of the apposite wrongful losses, and, wrongful gains, and, as arose from the apposite leakages, as made on a monetary quid pro quo. Moreover, wrongful loses to the recruiting agency or, wrongful gains to the concerned, also ensued, as, the above sheets, were to be distributed without leakages thereof, only inside the examination centre concerned. Necessarily, the apposite leakages jeopardized the chances of success of those aspirants who remained un-purveyed with the key answers.

Moreover, in the event of the selection taking place, of the accused

concerned, thereupon the offence would have definitely acquired the gravest enormity.

7. Moreover, the learned State Counsel has stated, at the bar, that the recoveries of the leaked question papers, as also the recoveries of the key answers thereto, become at this stage recovered, from the possession of the accused concerned. Moreover, he also stated, that the monetary sums, as received by the principal accused concerned, who leaked them to the examinees concerned, necessarily as a quid pro quo, for the apposite supplyings to the concerned, also becoming substantially recovered by the concerned, to the investigating officer concerned.

8. Though, the prosecution alleges that even the offences under Section 467/468/471 of the IPC are, at this stage are made out, against the accused concerned, but to the considered mind of this Court, since the learned State Counsel submits, that the recovered from the possession of the accused concerned, rather the examination questions concerned, and the key answers thereto, tallied with the ones, which became distributed in the examination concerned, or, were to be distributed to the examinees concerned. Therefore, the recovered question papers, and, the key answers thereto, do not prima facie, become forged documents nor prima facie in respect of certain accused, rather offence(s) constituted under Sections 467, 468 and 471 of the IPC, are at this stage not made out.

9. However, co-accused Ramesh Kumar, who is the bail petitioner in case **CRM-M-7015-2022**, rather is alleged to prepare fake Aadhar Cards, or, fake Admit Cards in respect, of those examinees

concerned, who are alleged to therethrough attempt to, or, who impersonated the personalities, and, identities of those persons/individuals, other than, those who were leveraged to take the examination concerned, and, or, were not eligible to take the examination concerned, and, or who were eligible to take the examination.

10. In consequence, prima facie only in respect of the above co- bail petitioner, offences constituted under Sections 467, 468 and 471 of the IPC are prima facie made out.

11. The investigations into the petition offences, as stated by the learned State Counsel, did commence on August, 2021, and, since, the learned State Counsel submits that, till date, for want of arrest of 93 accused, from amongst the total accused numbering about 211, hence the prosecution has qua the accused concerned, instituted respectively challan(s), and, supplementary challan(s) against them, respectively on 05.11.2021, on 31.01.2022, and, on 27.06.2022. In consequence when, thereafter no charges have been drawn against those accused, against whom the prosecution has respectively instituted a challan, and supplementary challan(s), and, when the reason for the staggering progresses, being made qua the judicial proceedings drawn against the arrayed accused, becomes comprised in the want of arrest, by the investigating officer, at this stage, rather of 93 accused. Therefore, only when, in the event of, the arrest of the remaining 93 accused taking place, and, the investigating officer concerned, proceeding to institute a supplementary challan against them, rather further progresses, in the apposite judicial proceedings, rather would be made, against the present

bail petitioners, in respect of the respectively, instituted challan, and, supplementary challans against them.

12. In sequel, when there is every likelihood of staggering, and, or delayed progresses being made in respect of the judicial proceedings, as become drawn against the present bail petitioners. Thereupon, the ill effect thereof, inasmuch as, yet the present bail petitioner becoming subjected to judicial incarceration, cannot become encumbered upon them, as thereupon, their liberty would become unnecessarily curtailed, and, fettered.

13. The further reason for making the above conclusion, arises from the factum that, since this court concluded, that apart from co-bail petitioner Ramesh Kumar, rather the inculcation drawn against the other co-accused, may not, at this stage, prima facie stand, in respect of the offences constituted under Section 467, 468 and 471 IPC. Therefore, when also for the reason supra, there may be prima facie an offence constituted against the concerned, and, as becomes embodied in Section 420 of the IPC, and, qua wherewith the relevant recoveries become substantially effected.

14. Resultantly, and, when all the relevant recoveries from the accused concerned, have been effected, besides when within two months of the rescinding of the examination concerned, the recruiting agency, has re-conducted the examinations, respectively on 30<sup>th</sup> October, 2021, and, on 1<sup>st</sup> November, 2022, and, has also made selections against the advertised posts. Therefore, when the purveying of public employments concerned, has not been affected, by the rescinding, and, cancellation of the tainted examination concerned,

therefore, this court becomes constrained to admit to regular bail rather the present bail petitioners.

15. The further reason prevailing upon this Court, to accord the craved for indulgence of regular bail to the present bail petitioners, is, comprised in the factum, that no evidence has been adduced, by the prosecution, suggestive that in the event of the bail petitioners being admitted to regular bail, there is every likelihood of theirs fleeing from justice, or, tampering with prosecution evidence, or influencing prosecution witnesses. As such, their judicial incarceration is not required to be any further prolonged, as thereupon, their personal liberty would become unnecessarily fettered, and, curtailed.

16. In aftermath, the present bail petitions are allowed and the bail petitioners are admitted to regular bail but subject to each furnishing personal and surety bonds in the sum of Rs.1,00,000/- each, to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. Moreover, they shall also make a further undertaking before the learned Magistrate concerned, that they shall not tamper with prosecution evidence, and, shall not influence the prosecution witnesses, and, besides also theirs appearing before the trial Court concerned, as and when directed to make their personal appearance, unless validly exempted. In case the above conditions becomes evidently breached, thereupon, it is open to the learned Public Prosecutor concerned to access this Court for rescinding the order, as made today, qua the present bail petitioners.

17. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising

from FIR (supra).

18. Since the main case(s) itself have been decided, hence, all the pending application(s), if any, also stand(s) disposed of.

**13.07.2022**

kavneet singh

(SURESHWAR THAKUR)  
JUDGE

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