

**110+224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M-3028-2022 (O&M)

Date of Decision: 21.03.2022

Loveneesh Gupta

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-4093-2022

Ankit

...Petitioner

Versus

State of Punjab

...Respondent

3. CRM-M-4248-2022

Gurpreet Singh @ Shally

...Petitioner

Versus

State of Punjab

...Respondent

4. CRM-M-4734-2022

Jasvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

5. CRM-M-4800-2022

Baljinder Singh Pabla @ Pintu

...Petitioner

Versus

State of Punjab

...Respondent

6. CRM-M-6865-2022

Vedpal @ Pipnya

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.D.S. Sukhija, Advocate
for the petitioner in CRM-M-3028-2022.

Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate and
for the petitioner in CRM-M-4800-2022.

Mr. Suvir Sidhu, Advocate
for the petitioner in CRM-M-4248-2022 & CRM-M-4734-2022.

Mr. Ravinder Phogat, Advocate
for the petitioner in CRM-M-4093-2022.

Mr. Amitabh Tewari, Advocate,
Mr. Viren Sibal, Advocate and
Ms. Mahima Gupta, Advocate
for the petitioner in CRM-M-6865-2022.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)**CRM-6973-2022**

Application for placing on record disclosure statement of
co-accused Ankit and Baljinder Singh Pabla @ Pintu recorded under Section
27 of Indian Evidence Act, 1872 as Annexures P-5 to P-9 is allowed.
Document Annexures P-5 to P-9, are taken on record.

Main Cases

1. All these six petitions have been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioners in the
same FIR No.240, dated 16.09.2021 under Sections 420, 465, 468, 471 and
120-B of IPC and Section 66-D of Information Technology Act, 2000

registered at Police Station Anaj Mandi, District Patiala are being taken up together for final disposal with the consent of learned counsels for the parties, since all these six petitions pertain to the same FIR.

2. For the sake of brevity, the facts are being taken up from CRM-M-3028-2022, titled 'Loveeesh Gupta vs. State of Punjab'.

3. As per the allegations contained in the FIR, the company namely, Management of Infra IT Solutions, Zila Parishad Office, Patiala was a centre for conducting an online examination and similarly, there were 2/3 more centres including one at Sangrur for the purpose of taking the examination, the same was outsourced to company namely TCS, which conducted the examination at different centres. The allegations were against one of the co-accused namely, Sukhdeep Singh, who had taken some money from one Gurpreet Singh for the purpose of hacking the computer system and for increasing the marks in the examination and thereafter, it was found that the aforesaid person had taken money from number of other candidates also for the same purpose and in this way, the petitioners were nominated in the present case. However, Gurpreet Singh @ Shally, who is one of the petitioners, has been named in the FIR.

4. It has been submitted by all the learned counsel for the petitioners that the petitioner Loveeesh is in custody from 18.09.2021, Ankit from 22.09.2021, Jasvir Singh from 17.09.2021, Gurpreet Singh @ Shally from 17.09.2021, Vedpal @ Pipnya from 21.11.2021 and Baljinder Singh Pabla @ Pintu from 21.09.2021 and it is almost six months that they are facing incarceration and the investigation of the case has already been completed. Thereafter, challan has been presented before the competent Court under Section 173 of Cr.P.C on 15.12.2021, qua the petitioners and thereafter, charges have been framed on 17.03.2022. They have further submitted that all

the petitioners have clean antecedents and they are not involved in any other case. It has further been submitted by them that two co-accused namely, Hardeep Singh @ Laddi and Sukhwinder Singh have already been granted regular bail by this Court vide order dated 11.01.2022.

5. It has been further submitted by learned counsel for the parties that it is a case where none of the complainants has come forward by making any kind of complaint that some money have been taken from them for the purpose of increasing their marks. They have further submitted that be that as it may, the present subject matter is triable by the Magistrate and the entire case is based upon the documentary evidence and the hard disk and the other equipments have already been taken into custody by the police and since the trial of the case would take long time and considering the clean antecedents of the petitioners, they may be considered for the grant of regular bail.

6. On the other hand, Mr. R.S. Thind, learned DAG, Punjab has submitted on instructions from ASI Parwinder Singh, who is also present in the Court today that it is correct that all the petitioners are in custody for almost six months and the investigation of the case has been completed and thereafter challan has been presented in the Court and charges have been framed. He has also submitted that so far as the involvement of the petitioners in other case is concerned, they are not involved in any other case.

7. I have heard the learned counsel for the parties.

8. This Court has made a specific query to learned State counsel that as to whether any complainant has come forward by making any complaint that they have given some money to any of the accused, he has submitted on instructions that no such complaint has been received. Another query was raised to the learned State counsel as to whether the accused persons or any other person were raised actually by hacking of the computer or not. He has

submitted that information was sought from the company concerned but no information has been received and thereafter reminder has also been sent but no information has been received. During the course of the arguments, it was also pointed out by the learned counsel for the petitioners that the company who was holding the centre namely, Management of Infra IT Solutions, Zila Parishad Office, Patiala has since been exonerated by the police and the learned State counsel has again sought instructions from the concerned Investigating Officer and has submitted that it is correct that the aforesaid company has been exonerated by the police.

9. Furthermore, it is not the case of the State that in case, the petitioners are released on bail considering their background, then they may abscond or they may influence any witness or they may tamper with any evidence, particularly in view of the fact that the entire case is based upon documentary evidence coupled with the fact that the case is triable by the Magistrate.

10. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant bail to all the petitioners. Consequently, all the present six petitions are allowed and the petitioners are released on bail on their furnishing adequate bail/ surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Duty Magistrate, concerned.

11. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petitions.

(JASGURPREET SINGH PURI)
JUDGE

March 21, 2022
Manpreet

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