

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

- (I)

CRM-M-11983-2022 (O&M)

Date of Decision:- 09.1.2023
- Anil Naggar

... Petitioner
- Versus
- State of Haryana

... Respondent
- (II)

CRM-M-14561-2022 (O&M)
- Naveen

... Petitioner
- Versus
- State of Haryana

... Respondent
- (III)

CRM-M-20020-2022 (O&M)
- Ashwani

... Petitioner
- Versus
- State of Haryana

... Respondent
- (IV)

CRM-M-42771-2022 (O&M)
- Pawan Gupta

... Petitioner
- Versus
- State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K.Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana and Mr. Nitin Sachdeva, Advocates,
for the petitioner in CRM-M-11983-2022.

Mr. Vikram Chaudhary, Senior Advocate with

Ms. Hargun Sandhu, Advocate, for the petitioner
in CRM-M-20020-2022.

Mr. Harish Mehla, Advocate, for the petitioner
in CRM-M-14561-2022.

Mr. Manjit Singh, Advocate, for the petitioner
in CRM-M-42771-2022.

Mr. Deepak Sabbharwal, Addl. A.G. Haryana and
Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned four petitions wherein petitioners Anil Naggar, Naveen, Ashwani and Pawan Gupta, seek grant of regular bail in a case registered vide FIR No.04, dated 17.11.2021, Police Station SVB, Panchkula, under Section 7-A of Prevention of Corruption Act, 1988 (Sections 120-B, 420, 466, 471 IPC, Section 7 of Prevention of Corruption Act, 1988 and Section 8(3) (4) of Haryana Public Examination (Prohibition of Unfair Means) Act, 2021 added later on).
2. The FIR in question was lodged at the instance of Narinder wherein it is alleged that Jasbir Singh owns Software agency by the name and style of M/s Safedote e-Solution Pvt. Ltd. Sector 11, Panchkula and had been allotted the work of online application portal by Haryana Public Service Commission. It is alleged that aforesaid Jasbir Singh and his associates had been securing jobs for various applicants by fraudulent means and were earning crores of rupees. The complainant alleged that the *modus operandi* was that the said persons used to ask the candidates to attempt only 30-40 questions

and to keep blank the remaining answers so that the same could be ticked as correct subsequently in OMR sheets.

3. Learned counsel for the petitioners have submitted that none of them is named in the FIR and that they have been falsely implicated in the present case. It has further been submitted that the petitioners enjoy a clean record and as such given the fact that challan already stands presented, their further detention will not serve any useful purpose.
4. Opposing the petitions, learned State counsel has submitted that in the present case sufficient evidence has been collected during the course of investigation so as to establish the complicity of the petitioners and that an amount of more than Rs.3 crores has been recovered apart from audio recording, FSL reports, WhatsApp chat and the opinion regarding hand-writing which would all indicate that the petitioners were hand in gloves with each other for the purpose of committing this fraud. Learned State counsel has submitted that while petitioner-Naveen was caught red handed at the spot when the complainant handed over an amount of Rs.20 lakhs to him, co-accused Ashish came to be nominated pursuant to the disclosure statement made by said Naveen and said Ashwani further nominated Anil Daggar HCS and clearly indicated his involvement. It has further been informed that the Pawan Gupta also came to be nominated on the basis of statement of Ashwani Sharma who clearly stated that Pawan Gupta had referred 5 candidates out of which 4 came to be selected but of course by dubious means. Learned State counsel has however, informed that while Naveen, Ashwani and Anil Daggar have been behind bars since the last more than 1 year, Pawan

Gupta has been behind bars for the last 6/7 months. It has also been informed that none of the petitioners otherwise is involved in any other case. Learned State counsel has informed that charges are yet to be framed and as many as a total of 57 PWs have been cited.

- 5. This Court has considered the rival submissions.
- 6. Without commenting anything as regards the merits of the case but while noticing that the petitioners have been behind bars for a substantial period and otherwise enjoy a clean record and also that conclusion of trial is likely to consume time inasmuch as trial has not even commenced and charges are yet to be framed, further detention of the petitioners is not justified. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- 7. A photocopy of this order be placed on the file of each connected case.

09.1.2023
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(GURVINDER SINGH GILL)
JUDGE

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