

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

CRM-M-44123-2022 (O&M)

Date of Decision:- 30.1.2023

Gurbhej Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Gulati, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Satnam Singh.

GURVINDER SINGH GILL, J.

1. This is the second attempt on part of the petitioner seeking grant of anticipatory bail in a case registered vide FIR No. 211 dated 24.7.2022 under Sections 66, 66-D of the Information Technology (Amendment) Act, 2008 and Sections 420/120-B IPC at Police Station Sahnewal, District Police Commissionerate Ludhiana (Punjab). The earlier petition i.e. CRM-M-35614-2022 had, however, been withdrawn on 15.9.2022.
2. The FIR was lodged pursuant to receipt of secret information by Inspector Amandeep Singh to the effect that Gurbhej Singh (petitioner) alongwith three others namely Dilbag Singh, Harsangeet Singh and Jaspreet Singh have constituted a gang so as to enable candidates appearing in IELTS examination to secure good score in said examination, by way of cheating.

The accused are alleged to be taking huge amount for the same from the candidates. The information was further to the effect that cheating was facilitated with the help of electronic gadgets i.e. mini-microphones, mini-earphones etc. It is alleged that while the examination was conducted by the IDP International Company, some officials of said Company were also suspected to be involved in the said scam. The accused are also alleged to be facilitating candidates to crack other recruitment examinations as well, by way of cheating. The information was further to the effect that on the given day, Dilbag Singh, Harsangeet Singh and Jaspreet Singh were travelling in their car bearing registration No.PB-69-C-9689, while carrying electronic gadgets on Delhi-Ludhiana National Highway.

3. Pursuant to receipt of aforesaid information, the police was able to nab Dilbag Singh, Harsangeet Singh and Jaspreet Singh while they were travelling in the aforesaid car and five electronic SIM devices, seven small earphones (Bee-shaped), one mobile phone, a photocopy of one answer sheet and passport no. S7290837 issued in the name of Babbalpreet Singh was recovered.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even as per the case of prosecution, it is the co-accused Dilbag Singh, Harsangeet Singh and Jaspreet Singh, who were apprehended at the spot and the petitioner was not travelling with them when they were apprehended. It has been submitted that there is no evidence on record to connect the petitioner with the alleged offences and as such, the petitioner deserves the concession of anticipatory bail.

5. Pursuant to order dated 10.1.2023, the State has filed Status-Report by way of affidavit of Shri Vaibhav Sehgal, Assistant Commissioner of Police, Ludhiana, which is taken on record. The learned State counsel has submitted that during the course of investigation, it had surfaced that it is infact the petitioner Gurbhej Singh, who is the *kingpin* of the entire scam who had been facilitating cheating in the IELTS as well as in other competitive examinations. Learned State counsel has further submitted that it is the petitioner, who had procured the question paper from some employees of the IDP International Company, the answers of which were provided by co-accused to the candidates with the help of the recovered electronic gadgets.
6. This Court has considered the rival submissions.
7. It is pertinent to notice that the petitioner is specifically named in the FIR alongwith other three co-accused and there are specific allegations to the effect that they have been facilitating cheating by candidates in IELTS as well as in other competitive examinations with the help of electronic devices. The fact that three of the co-accused were nabbed by the police and various electronic devices including mini-microphones, five electronic SIM devices, seven small earphones etc. apart from one answer sheet were recovered would *prima facie* substantiate the allegations, as levelled in the FIR. In these circumstances, custodial interrogation of the petitioner would be very much required to unearth the finer details of the entire scam, particularly as to how the petitioner was able to procure the question paper from the testing agency i.e. IDP International Company. No special case for grant of anticipatory bail is made out.

8. The petition, as such, is sans merit and is hereby dismissed.

30.1.2023
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No