



**CRM-M-6335-2024,
CRM-M-6433-2024 &
CRM-M-8073-2024**

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

208 **CRM-M-6335-2024 (O&M)**
Date of decision: 21.05.2024

Sahil Joshi
... Petitioner

Vs.

State of Punjab
.... Respondent

208-2 **CRM-M-6433-2024 (O&M)**

Shashank Bahuguna
... Petitioner

Vs.

State of Punjab
.... Respondent

208-3 **CRM-M-8073-2024 (O&M)**

Gaurav Singla
... Petitioner

Vs.

State of Punjab
.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Rakshit Gupta, Advocate
for the petitioner in CRM-M-6335-2024.



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Mr. P.S.Ahluwalia, Advocate with
Mr. Keerat Dhillon, Advocate for the petitioner
in CRM-M-6433-2024.

Mr. Brijesh, AAG, Punjab.

Mr. Munish Kumar Garg, Advocate
Mr. Tajveer Singh Gaba, Advocate
Mr. Vikas Mehra, Advocate
Mr. Tanuj Goyal (Tohawa)
Ms. Bhawna Thakur, Advocate
for the complainant in all cases.

SUVIR SEHGAL J. (ORAL)

- 1. This order shall disposed of the above noted three petitions as all the three petitioners are accused in the same FIR and have approached this Court seeking bail by way of separate petitions.
- 2. For the sake of convenience, factual position is being taken from CRM-M-6335-2024.
- 3. This petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Sections
168	02.10.2022	Division No.6, Police Commissionerate, District Jalandhar (wrongly mentioned P.S. Goraya, District Jalandhar in the impugned order)	406, 420 and 120-B of IPC (Sections 408, 419 and 201 of IPC & Section 66(D) of the Information Technology Act, 2000 were added later on)

- 4. Version of the prosecution is that FIR, Annexure P-1 has been registered on a complaint given by Saurabh Kansal, authorized



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representative of M/s Pearson India Education Services Pvt. Ltd., alleging that on 03.06.2022, information was received regarding irregularities in the test centre at Model Town, Jalandhar. A review was conducted by examining the CCTV footage as well as the Candidate Result File (CRF) which revealed the variation in the mode and manner in which the exam was conducted. It has been alleged that the complainant has been cheated. After the registration of the FIR, Sahil Joshi (petitioner in CRM-M-6335-2024) was apprehended on 27.01.2023, Shashank Bahuguna (petitioner in CRM-M-6433-2024) was arrested on 27.10.2023 and Gaurav Singla (petitioner in CRM-M-8073-2024) was arrested on 06.11.2023.

5. Counsel for the accused Sahil Joshi urges that he is not a regular employee of the complainant-company and has been made a scapegoat. Counsel representing accused Shashank Bahuguna and Gaurav Singla, submits that both of them have not been named in the FIR and have been arraigned as accused on the basis of disclosure statement of the main accused, which cannot be read into evidence. It has been submitted that the investigation qua all the three petitioners has concluded, challan has been presented and charges have been framed on 19.01.2024. Counsel submits that the petitioners are alleged to have committed offences, which are triable by a Magistrate. It has been contended that the case is based on electronic and documentary evidence and in case the petitioners, who have a clean past, are released on bail,



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there is no possibility of their influencing the witnesses, nor are they likely to flee.

6. Per contra, learned State counsel, upon instructions from ASI Kulwinder Singh, has opposed the petition by submitting that the petitioners are accused of serious offences which have wide ramification. He submits that the release of the petitioners, at this stage, is likely to hamper trial as six more accused are yet to be arrested. He has instructions to state that three prosecution witnesses including the complainant, Saurabh Kansal, have been partly examined-in-chief. Counsel for the complainant has supported the State counsel and has urged that the payments of fee for eight candidates, who had appeared for the examination, was made from the same debit card and the proxy test has been conducted in the same time slot on different dates. He submits that the FIR has been lodged after getting a legal opinion of the District Attorney. He asserts that accused Sahil Joshi was the Administrator when the test was conducted.

7. I have heard counsel for the parties and have considered their respective submissions.

8. All the three accused enjoy unblemished antecedents and have been in detention for a sufficient period of time. Although, the charges have been framed but the trial is at a nascent stage and there is a remote possibility of its early conclusion. The evidence to be produced by the prosecution is primarily is an electronic or documentary and there



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is no possibility of its being tampered with by the accused. The accused are being tried for offences, which are triable by a Magistrate. This court is, therefore, of the view that they deserve to be released on bail. The allegations leveled against them would remain a subject matter of debate before the trial Court and do not deserve to be examined by this Court, at this stage.

9. Without adverting to the merits or demerits of the arguments addressed, petitions are allowed and the petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.04.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No