



309 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8242-2024
Date of decision: 10th July 2024

Parveen
Versus
State of Haryana
...Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Pal, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
635	21.12.2023	Ambala Cantt, District Ambala	420 and 120-B of IPC, 1860 (section 419 of IPC and Section 66-D of Information Technology Act (Amendment) Act, 2008 added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 21.12.2023, on receipt of a telephonic information by the police regarding recovery of some mobile phones connecting devices from the candidates who were appearing in the examination for recruitment of Defence Civil Empty for Group Command Level being conducted in the premises of Kharga Stadium, Ambala cantt. a police party rushed there,



wherein a written complaint was submitted by JC-775606X Akhilesh Kumar alleging therein that he was performing duty as an Invigilator in the examination along with other officials, when he found the accused Chaub Singh while making some conversation on his mobile phone. On suspicion, he conducted his personal search and found that the accused Chaub Singh had connected his cell with another device of 'Samsung galaxy S9' make which was a smart phone and by talking with someone, he was writing answers to the question paper. The search of other candidates who were officials of the department itself had also been conducted thereafter by forming a team and sixteen other candidates were found having smart phones/ mobile devices, cameras, mic spy earpiece which were also recovered from possession of some of those candidates. As all these candidates had cheated the department by seeking answers to the questions of the examination paper from their phone by connecting device with some unknown person, therefore, prayer was made for taking action against them. A case was accordingly registered. Investigation proceedings had been initiated. Mobile phones, devices, sim cards and cameras were taken into custody and the candidates from whom these devices were recovered were formally arrested in this case. They suffered disclosure statements on interrogation. One of the accused namely Birender @ Mota was arrested on 26.12.2023. He suffered disclosure statement on 27.12.2023, alleging therein that the petitioner had supplied mobile devices and answer key of the paper to him. He also got recovered two mobile phones having different sim cards which were taken into custody. Some of other co-accused were also arrested.



After completion of necessary investigation against the arrested accused, challan and supplementary challan under Section 173 of Cr.P.C. have been presented in the Court. The investigation qua the petitioner is still under way. Apprehending his arrest, the petitioner had moved an application for pre-arrest bail, which had been dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 29.01.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Birender. He was not named in the FIR. He has no direct or indirect link with the co-accused Birender. No member of his family was a candidate in the examination conducted at the relevant time. No financial transaction between the petitioner or either of the co-accused has been established after conducting investigation. There is no call detail record of the petitioner to connect him with the co-accused. There is also nothing on record to show that he was operating the team which was involved in recruitment in defence forces by providing answers to the questions given in examination by cheating. His custodial interrogation is not required. Neither any recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, the petitioner was master of the crime and it was infact he who had supplied answer sheets for solving papers for recruitment of examination for



Indian Army. The investigation has revealed that he even used to manage false persons to appear in examination by impersonating the original candidates. His custodial interrogation is very much required. It is further argued that the petitioner has even tried to breach the security of the country by committing the said offence. It is, therefore, argued that he does not deserve to be extended benefit of pre-arrest bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to be master of a gang/racket constituted for ensuring selection in the recruitment process carried by the defence services by cheating the department by providing phones connecting devices and answer keys to the candidates. As per the allegations, it was he who had supplied answer key and mobile phones to the co-accused Virender, Sunil and Sushil who further facilitated providing of answer keys to the candidates appearing in the examination conducted by the army authorities. The allegations against the petitioner are quite grave and serious in nature. It is well settled proposition of law that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well and ensconced with a favourable order under Section 438 of Cr.P.C. Effective interrogation of a suspected person is of tremendous advantage in identifying the chain of the offenders. Keeping in view the nature of the allegations as levelled against the petitioner, the severity thereof and further the fact that his custodial interrogation will certainly help the prosecution in



eliciting the truth and for conducting thorough investigation in the matter, I am of the considered opinion that the petitioner does not deserve to be extended benefit of anticipatory bail. Accordingly, the petition is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |