

**204-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: May 28, 2024

1. **CRM-M-16186-2024**

Sunil and another ...Petitioners

Versus

State of Haryana ...Respondent

2. **CRM-M-12738-2024**

Ajit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Munish Gupta, Advocate for the petitioners.

Mr. Sumil Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

In the two petitions titled above, both filed under Section 439 Cr.P.C., the three petitioners, namely Sunil, Sushil Kumar and Ajit have prayed for their release on regular bail in case FIR No.635 dated 21.12.2023, under Sections 420 and 120-B of IPC (Section 419 IPC and Section 66-D of Information Technology Act, 2000 added later on), registered at Police Station Ambala Cantt., District Ambala.

2. Separate status reports in both the cases have been filed by the respondent-State.

3. It emerges that on 21.12.2023, recruitment of Defence Civil Empty for Group Command Level was being conducted at Kharga Stadium

Ambala Cantt, during which Subedar Akhileshwar Kumar performing his duty as Invigilator, noticed a candidate Chaub Singh talking on mobile phone. On his search, he was found to be connected with mobile/connecting device, i.e. a smart phone. Someone was helping in solving the paper by cheating with the help of other persons. Complainant – Akhileshwar Singh with other staff conducted search and as many as 16 candidates were found caught doing cheating and various mobiles and connecting devices were recovered from their respective possession. On the complaint of Subedar Akhileshwar Singh, FIR was registered. Sunil (petitioner No.1 in CRM-M-16186-2024) was produced by the army authorities as he was apprehended while solving the paper in place of candidate Chaub Singh. Mobile phone of Samsung and mobile device were recovered from said Sunil. During his interrogation, he suffered disclosure statement disclosing that he alongwith Birendra alias Bijendra, Ajit @ Chota (petitioner in CRM-M-12738-2024) do the work of cheating in army recruitment and provide fake candidates; and that he was apprehended by the army people while he was solving the paper in place of Chaub Singh. Disclosure statement of said petitioner - Sunil is Annexure R-1. During further investigation, Sushil Kumar (petitioner No.2 in CRM-M-16186-2024) was arrested on 23.12.2023 alongwith petitioner Ajit @ Chota. Both of them admitted their involvement in the commission of crime. It was disclosed by these accused that they were members of the gang. Petitioner – Ajit used to bring the fake candidates in his car at the time of exam destination, who used to solve the paper for the actual candidates. He got recovered two mobile phones, mobile device and

rubber stamp written as Balaji Enterprises, besides certificates of some candidates. Said Ajit also disclosed that he alongwith Sunil and Sushil Kumar were working for preparing fake candidates.

4. It is contended by learned counsel on behalf of petitioners – Sunil and Sushil Kumar that they have been falsely implicated; that they are not named in the FIR; that they are neither the candidates nor impersonated for anyone. As far as petitioner – Sushil Kumar is concerned there is not even allegation that he was appearing for any candidate and that recovery of 03 mobile phones and other connecting devices have been planted upon him.

5, On behalf of petitioner - Ajit, it is contended that the only allegations against him that he used to bring the fake candidates and that on the date of examination, he had brought co-accused Sunil and Gaurav with him.

6. Learned counsel for the petitioners also contends that petitioners are in custody for the last more than 05 months; that challan has already been filed; that the trial may take time to conclude and so they be allowed bail.

7. Strongly opposing the bail petitions, learned State counsel contends that all the petitioners are the member of the gang, who used to provide fake candidates, who used to appear in place of the real candidates for giving the examination. On the date of exam also, petitioner – Sunil was apprehended by the army authority while appearing in place of Chaub Singh. Learned State counsel also contends that recovery of mobile phones and connecting devices have been effected and that petitioner – Ajit has been found to be bringing fake candidates in his car.

8. I have considered submissions of both the sides and have appraised the record carefully.

9. No doubt, that offences in question are triable by the Magistrate, but looking into the nature of the allegations and the impact of the offences as committed by the petitioners, in which all of them are found to be involved in cheating for the exam of army recruitment, but without commenting anything further on the merits of the case, this Court is not inclined to grant the benefit of bail to any of the petitioners.

Dismissed.

Photocopy of this order be placed on the connected case file.

May 28, 2024

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No