

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19762 of 2024(O&M)
Date of Decision: 23.04.2024

Ankit
...Petitioner
Versus
U.T. Chandigarh
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Shivam Sharma, Advocate
For the petitioner.
(through video conferencing)

Mr. Manish Bansal, Public Prosecutor UT Chandigarh with
Mr. Shubham Mangla, Advocate and
ASI Yashpal Singh.

KARAMJIT SINGH, J.

1. The present second petition has been filed by the petitioner under Section 438 Cr.P.C. seeking grant of anticipatory bail in criminal case having FIR No. 194 dated 17.12.2023, registered under Section 420 IPC at Police Station Central, Sector-17, Chandigarh, the first one bearing CRM-M-7818 of 2024 was withdrawn on 05.04.2024.
2. As per the allegations appearing on record, one examination was conducted in Shishu Niketan Model Senior Secondary School, Chandigarh for post of Hostel Warden in Eklavya Model School, on 17.12.2023. During the examination petitioner Ankit having roll number 106301148 was found possessing a slip of paper and a small electronic device which was specially designed and placed in left pocket of shirt and a small hearing device was also fitted in the left ear of the candidate. All the

said articles were seized by the examiner who lodged complaint with the police with regard to recovery of aforesaid devices. Consequently, FIR was registered against the petitioner.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case and has joined investigation with the police on multiple occasions in the light of the order of interim bail passed by the Court of Additional Sessions Judge, Chandigarh. It is further submitted that some unknown person met the petitioner in front of examination centre and handed over the aforesaid equipments to him and petitioner is not knowing the address of said unknown person. It is further submitted that even now petitioner is ready to join further investigation with the police.

4. Notice of motion.

5. Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh accepts notice on behalf of the U.T. Chandigarh and submits that no doubt the petitioner joined the investigation with the police on the basis of interim order passed by the Court of Additional Sessions Judge, Chandigarh, but he failed to cooperate with the police and failed to disclose the source of devices which were recovered from his possession by the concerned examiner. It is further contended that custodial interrogation of the petitioner is required for the proper investigation of the case.

6. I have considered the submissions made by counsel for the parties.

7. Serious allegations are there on the record that petitioner tried to commit cheating by means of electronic devices and thus adopted unfair means in the concerned examination. The bail application filed by petitioner

under Section 438 Cr.P.C. was earlier dismissed by the Court of Additional Sessions Judge, Chandigarh vide order Annexure P-2 as he failed to disclose the name of person who had provided him the concerned electronic devices. The counsel appearing on behalf of U.T. Chandigarh has specifically asserted that custody of petitioner is required by the police to go to root of the case and to unearth the truth.

8. For the foregoing reasons, no ground is made out to grant anticipatory bail to the petitioner as he has failed to disclose the source of the electronic devices which were used by him to commit cheating in the concerned examination. Consequently, the present petition is dismissed. However, observations, if any, made hereinabove are not to be construed as an expression of opinion on the merits of the case.

23.04.2024

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No