



CRM-M-60593-2025

1

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

102

CRM-M-60593-2025

Date of decision: 10.11.2025

Sumit Gautam

...Petitioner

V/s

Union Territory of Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Himani Anand, Advocate with
Ms. Apporv Garg and Anshika Garg, Advocates
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh and
Mr. Shubham Mangla, APP, U.T. Chandigarh.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of BNSS, 2023 in FIR No.46 dated 24.04.2025 registered for offences punishable under Sections 419, 420, 467, 468, 471 and 120-B of the IPC at Police Station Maloya, District Chandigarh.

2. The prosecution case, in brief, is that the FIR was registered based on a complaint filed by the State Project Director-cum-Director, School Education Samagra Shiksha, Chandigarh. It was alleged that the written examination for the post of JBT Teacher was conducted by the National Institute of Technical Teachers Training and Research (NITTTR), Sector 26, Chandigarh on 10.12.2022. Biometric attendance of all candidates was recorded before and after the examination to ensure transparency in the selection process. However, vide memo dated



CRM-M-60593-2025

2

26.07.2024, NITTTR informed that during biometric verification, the biometric data of co-accused Ashish Kumar in their records did not match with the biometric record maintained by the Government Model Senior Secondary School, Sector 16, Chandigarh where he was employed at that time. An explanation was sought from Ashish Kumar but his response was found unsatisfactory. He also failed to appear for the inquiry on two occasions and subsequently submitted his resignation on 09.08.2024. Consequently, a request was made to initiate an investigation. On the basis of the said complaint, the investigation ensued and during the course of investigation, accused Ashish Kumar was arrested on 12.07.2025. During interrogation, he suffered a disclosure statement that on 10.12.2022, the petitioner appeared in his place in the examination held for the Job of JBT Teacher in Chandigarh on the asking of one Sunil who acted as mediator.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated solely on the basis of the disclosure statement of co-accused Ashish Kumar, which is inadmissible in evidence. Learned counsel has further iterated that the petitioner is not named in the FIR and there is no material to connect him with the alleged offence. Learned counsel has further submitted that no money trail has been found between the petitioner or the alleged middleman Sunil Kumar. According to learned counsel, the petitioner does not know or has ever interacted with Ashish Kumar and no call records exist between them. Learned counsel has emphasized that the co-accused Ashish Kumar has already been granted the concession of regular bail by the Court below vide



with the present petition) and the case of the petitioner stands on better footing. It has been further contended that the FIR has been lodged after an inordinate and unexplained delay of about one and a half year without any CFSL or expert verification of the alleged tampered biometric data. Lastly, it has been argued that the FIR has been illegally registered under Section 154 of Cr.P.C. despite the BNSS, 2023 having come into force on 01.07.2024 and hence the FIR in question is not sustainable in the eyes of law. It has been further argued that no useful purpose would be served by sending the petitioner behind the bars as the entire case is based on documentary evidence and nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned counsel appearing for the U.T. Chandigarh has opposed the grant of anticipatory bail to the petitioner by arguing that the investigation has revealed a serious case of impersonation in a public recruitment process. The biometric mismatch conclusively indicates that someone else has appeared in the examination in place of co-accused Ashish Kumar. Learned counsel for the U.T. Chandigarh has further iterated that during investigation, the co-accused Ashish Kumar disclosed that the petitioner has impersonated him in the examination with the connivance of one Sunil Kumar. The disclosure is supported by circumstantial evidence and technical data being examined. The contention regarding applicability



enforcement hence proceedings under Cr.P.C. are valid. Learned State counsel has emphasized that the complicity of the petitioner is clearly evident from the material collected during enquiry and his plea of innocent is contradicted by documentary and digital evidence. According to learned State counsel, the offence alleged is serious in nature involving impersonation for which custodial interrogation of the petitioner is required to unearth the entire chain of conspiracy and the financial transactions involved. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It is not in dispute that the examination for the post of JBT teacher was conducted on 10.12.2022 and biometric data of co-accused Ashish Kumar did not match the institutional records during subsequent verification. The complaint was lodged by a responsible public authority after the discrepancy was duly verified. The name of the petitioner surfaced during the course of investigation on the basis of a disclosure statement made by co-accused. The said disclosure statement cannot be ignored at the stage of investigation particularly when supported by technical and circumstantial materials that are under verification. The allegations against the petitioner pertain to impersonation in a government recruitment examination which is a serious



offence and strike at the integrity of the public selection process. Such offences have wider ramification and wants thorough investigation.

7. The plea of the petitioner that there is no financial or call record between him and the co-accused is a matter of evidence and cannot be adjudicated upon at this preliminary stage. Similarly, the issue regarding applicability of BNSS viz-a-viz. Cr.P.C. is a legal question that may be raised before the trial Court at an appropriate stage and it does not render the investigation or FIR void. Moreover, this Court cannot lose sight of the broader conspiracy in which the present offence has been committed. In the considered opinion of this Court, the allegations are serious in nature which requires custodial interrogation to recover incriminating documents and also to trace the involvement of the alleged middleman Sunil Kumar as also to verify the technical and financial aspects of the conspiracy. The allegations in the FIR cannot be brushed aside as vague or baseless. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that offences in question require a thorough and detailed investigation and grant of bail at this stage is likely to hamper the ongoing investigation.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide



material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. In view of the gravity of the allegations, the nature of the offence and the stage of the investigation as also the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, the custodial interrogation of the petitioner may be necessary for an effective



investigation & to unravel the truth. Accordingly, the petition is devoid of merits and is hereby dismissed.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 10, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No