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

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Medhanshu Maurya

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 18.12.2025**Date of Uploading : 18.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Naveen Arya, Advocate for the petitioner
(through Video Conference).

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.25 dated 15.02.2025, registered for the offences punishable under Sections 409, 419, 420, 467, 468, 471 and 120-B of IPC and Section 7, 7-A, 13 of the Prevention of Corruption Act, 1988 at Police Station PGIMS, Rohtak.

2. The essence of the allegations, as culled out from the FIR, are that the FIR in question was registered on the complaint of the Security Officer, UHS/PGIMS, Rohtak, alleging large-scale manipulation and tampering of answer sheets of MBBS examinations conducted by Pt. Bhagwat Dyal Sharma University of Health Sciences, Rohtak. Accordingly, an internal inquiry committee was constituted by the University, which submitted its report on 13.02.2025. The inquiry report named 24 students,



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including the present petitioner and 17 officials/employees of the Examination Branch and associated service providers as being involved in the alleged examination scam. The inquiry committee, upon verification of records of selected candidates, concluded that the answer sheets had been tampered and manipulated. On the basis of the said inquiry report, the present FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the present case. He has further iterated that the petitioner is a young MBBS student with no criminal antecedents and has been falsely implicated solely on the basis of an internal inquiry report which *per se* is inadmissible. Learned counsel has further submitted that the petitioner was merely a candidate appearing in the examination and has no access to the examination branch, record room or evaluation process. Learned counsel has further submitted that no recovery of any incriminating article has been effected from the petitioner and that the entire case is based on documentary evidence. Learned counsel has further submitted that several co-accused (i.e. officials and intermediaries) have already been granted the concession of bail and, therefore, the petitioner deserves the concession of anticipatory bail on the ground of parity. Learned counsel has further submitted that the custodial interrogation of the petitioner is not required and the provisions of the Prevention of Corruption Act have been wrongly applied to a student. Learned counsel asserts that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of aforesaid submissions, the grant of instant petition is entreated for.



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4. I have heard the learned counsel for the petitioner and have gone through the available record of the case.

5. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Devinder Kumar Bansal vs. The State of Punjab, 2025 INSC 320***, relevant whereof reads as under:

“21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner accused for grant of anticipatory bail and there is no frivolity in the prosecution.

*22. In the aforesaid context, we may refer to a pronouncement in **Central Bureau of Investigation v. V. Vijay Sai Reddy reported in (2013) 7 Scale 15**, wherein this Court expressed thus:*

“28. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

23. The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is



to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

24. *If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption.*

25. *Avarice is a common frailty of mankind and Robert Walpole's famous pronouncement that all men have their price, notwithstanding the unsavoury cynicism that it suggests, is not very far from truth. As far back as more than two centuries ago, it was Burke who cautioned: "Among a people generally corrupt, liberty cannot last long". In more recent years, Romain Rolland lamented that France fell because there was corruption without indignation. Corruption has, in it, very dangerous potentialities. Corruption, a word of wide connotation has, in respect of almost all the spheres of our day to day life, all the world over, the limited meaning of allowing decisions and actions to be influenced not by the rights or wrongs of a case but by the prospects of monetary gains or other selfish considerations.*

26. *If even a fraction of what was the vox pupuli about the magnitude of corruption to be true, then it would not be far removed from the truth, that it is the rampant corruption indulged in with impunity by highly placed persons that has led to economic unrest in this country. If one is asked to name one sole factor that effectively arrested the progress of our society to prosperity, undeniably it is corruption. If the society in a developing country faces a menace greater than even the one from the hired assassins to its law and order, then that is from the corrupt elements at the higher echelons of the Government and of the political parties."*

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations in the present case pertain to tampering of answer sheets in MBBS examinations, which strikes at the very root of academic integrity and public



ramifications not only for the institution concerned but also for society at large. The petitioner has been specifically named in the inquiry report as one of the beneficiary students. At this stage, the inquiry report cannot be discarded as inconsequential. The role of the petitioner is required to be examined in the context of a larger conspiracy alleged under Section 120-B IPC. The petitioner is involved in a serious offence pertaining to a well-organized examination scam affecting the sanctity of professional medical examinations. In conspiracy cases, direct evidence is seldom available and the role of each accused emerges through custodial interrogation and analysis of surrounding circumstances. It is well settled that the anticipatory bail is an extraordinary discretionary relief to be granted only in exceptional circumstances and the Court is required to balance the individual liberty of the accused with the societal interest and the need for a fair and effective investigation. The contention that no recovery has been effected from the petitioner is bereft of any merit at this stage, as the offence primarily relates to manipulation of official records which are admittedly in the custody of the University and the investigating agency.

7. The plea of parity with co-accused also cannot be accepted at this stage. The co-accused who have been granted the concession of regular bail had, surrendered firstly to the process of law and subjected themselves to the custodial interrogation. Thus, the plea of parity cannot be claimed with such co-accused at the stage of anticipatory bail, particularly when the investigation *qua* the petitioner is still at a crucial stage. Furthermore, the investigating agency has specifically asserted the necessity of custodial interrogation to unravel the conspiracy (if any), ascertain the role of the



petitioner, identify intermediaries and trace the alleged flow of illegal gratification. In the considered opinion of this Court, the grant of anticipatory bail at this stage may impede the ongoing investigation. As regards the applicability of the provisions of the Prevention of Corruption Act, the same is a matter to be examined during the course of investigation and trial. At the stage of consideration of plea for anticipatory bail, the Court is not required to undertake a detailed analysis of the applicability of penal provisions.

8. The investigation is at nascent stage and the recovery of crucial documentary evidence coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioner in the alleged offence. The stand of the investigating agency, as discernable from the available record, before this Court is that the custodial interrogation of the petitioner is indispensable to unearth the full extent of the conspiracy. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. 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 interest(s). 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 impact of such alleged iniquities on the society. At this stage, there is no 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



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accusation of the petitioner. 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 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. Accordingly, 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. Considering the gravity of the allegations, the nature of the offence, the alleged role of the petitioner as a beneficiary as also the requirement of custodial interrogation, this Court is of the considered opinion that the petitioner has failed to make out a case for the grant of anticipatory bail. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth.

10. In view of the prevenient ratiocination, it is ordained thus:

(i) The petition in hand is dismissed being devoid of any merits.



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- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 18, 2025
Ajay

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