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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1305/2025**

HARSH MEENA

.....Applicant

Through: Mr. M.N. Dudeja and Mr.
Aditya Mishra, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State with SI Uttam
Singh, PS Parliament
Street, NDD.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **27.05.2025**

1. The present application is filed seeking pre-arrest bail in FIR No. 198/2021 dated 02.12.2021, registered at Police Station Parliament Street, for offences under Sections 419/420/120B/34 of the Indian Penal Code, 1860 ('IPC').
2. The brief facts of the case are that in the year 2019, in an examination for the recruitment of 100 District Youth Co-ordinator by Nehru Yuva Kendra Sangathan ('NYKS') conducted by the Tata Consultancy Services ('TCS'), it was found that 20 out of 73 candidates were involved in cheating and that they had also cleared the examination by using unfair means. A separate complaint was received against the applicant alleging that he had hired some other person to impersonate him and give the examination on his behalf.
3. It is informed that the pursuant to the complaints, the



examination was cancelled and the FIR was registered.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that the allegations are not supported by any CCTV Footage, independent witness or documentary proof.

5. He further submits that even if the allegations are taken at the highest, the only alleged offence against the applicant can be impersonation under Section 419 of the IPC. He submits that the ingredients of Section 415 of the IPC are not satisfied and thus, the offence under Section 420 of the IPC is not made out against the applicant.

6. He submits that the FIR was registered in the year 2021 and even though more than three years have passed since then, there has been no substantial progress linking the applicant to the offence.

7. He further submits that none of the other candidates, who are alleged to have used unfair means, have been arrested in the present case either and the same shows that custodial interrogation is not required.

8. *Per contra*, the learned Additional Public Prosecutor for the State opposes the grant of any liberty to the applicant.

9. She however fairly submits that the applicant has joined the investigation. She states that although an attempt was made to procure CCTV footage, but it was found that the exam centre had not opted for the same as per agreement.

10. I have heard the counsel and perused the record.

11. The power to grant a pre-arrest bail is extraordinary in nature and is to be exercised sparingly. The Hon'ble Apex Court,



in the case of ***Siddharam Satlingappa Mhetre v. State of Maharashtra : (2011) 1 SCC 694***, elucidated some parameters to be considered before granting pre-arrest bail:

“112.

(i) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

(ii) *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*

(iii) *The possibility of the applicant to flee from justice;*

(iv) *The possibility of the accused's likelihood to repeat similar or other offences;*

(v) *Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*

(vi) *Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*

(vii) *The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case...;*

(viii) *While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;*

(ix) *The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

(x) *Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”*

(emphasis supplied)

12. It is the case of the prosecution that the applicant hired some other person to appear and give the exam on his behalf.

13. The status report mentions that the photographs of the



interview of the applicant have been obtained by the prosecution from NYKS, and the same will be sent to CFSL for opinion after taking specimen photographs of the applicant.

14. This Court had granted interim protection to the applicant by order dated 04.04.2025. Concededly, the applicant has already joined investigation. It is not the case of the State that the applicant had obtained any benefit from the alleged act of cheating.

15. It is not in doubt that order for grant of pre-arrest bail cannot be passed in a routine manner so as to allow the accused to use the same as a shield. At the same time, it cannot be denied that great amount of humiliation and disgrace is attached with the arrest. In cases where the accused has joined the investigation and is not likely to abscond, the custodial interrogation should be avoided.

16. The purpose of custodial interrogation is to aid the investigation and is not punitive.

17. In the opinion of this Court, no purpose would be served by subjecting the applicants to custodial interrogation at this stage when the incident happened way back in the year 2019 and the FIR also was registered long back in the year 2021.

18. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with the investigation, if required, as and when directed by the IO;



- b. The applicant shall not leave the country without the prior permission of the learned Trial Court;
- c. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- d. The applicant shall appear before the learned Trial Court as and when directed;
- e. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/SHO;
- f. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

19. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.

20. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.

21. The present bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MAY 27, 2025/ 'KDK'