2026:HHC:48615

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No. 2147 of 2026

Decided on : 2nd November, 2026

Aman ...Applicant

Versus

State of Himachal Pradesh ...Respondent

Coram
The Hon'ble Mr. Justice Virender Singh, Judge.
Whether approved for reporting?[1]

For the applicant : Mr. Amit Himalvi, Advocate vice Mr. Ravinder Singh Chandel, Advocate.

For the respondent : Mr. H.S. Rawat, Addl. A.G.

Virender Singh, Judge *(oral)*

The above titled application, has been filed by the applicant Aman, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), with a prayer to direct the Police or I.O. of the case, arising out of FIR No.13/2025, dated 18.05.2025, registered, under Sections 10 and 11 of the Public Examination (Prevention of Unfair Means) Act 2024, and Section 61(2) of Bharatiya Nyaya Sanhita, 2023, (hereinafter referred to as the 'BNS'), with Police Station

---

[1] *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

New Shimla, District Shimla, H.P. to release him on bail, in the event of his arrest in the above titled case.

2. According to the applicant, he is innocent person and has falsely been implicated, in the present case.

3. As per the applicant, he is student having bright career ahead and in case of arrest, his entire career is going to be spoiled.

4. On the basis of above facts, Mr. Amit Himalvi, Advocate vice Mr. Ravinder Singh Chandel, Advoate has given certain undertakings, on behalf of the applicant, for which, he is ready to abide by, in case, directions are issued to the Police/I.O., under Section 482 of the BNSS.

5. On the basis of above facts, applicant has sought the relief, as claimed in the present bail application.

6. When put to notice, the police has filed the status report, disclosing therein, that on 18.05.2025, Complainant Rekha Bali, Principal, Senior Secondary School, Sector-03, New Shimla, made a complaint to Police Station New Shimla, disclosing therein the following facts:-

"Subject: Request for Lodging an FIR Against Candidates Caught Using Electronic Devices in JNV Exam Respected Sir/Madam, I am writing to formally report an incident of malpractice that occurred during the Jawahar Navodaya Vidyalaya (JNV) Selection Test conducted on 18th May 2025 at JCB Public School, [Complete Address of School), Centre No 111007 which was one of the designated examination centers. During the conduct of the examination, ten (10) candidates were apprehended using unauthorized electronic devices, which is a serious violation of the examination rules and regulations. The use of such devices clearly indicates an attempt to Indulge in unfair means and manipulate the integrity of the examination process. The details of the incident along with the names and roll numbers of the candidates, statements of the invigilators, and the seized electronic devices are enclosed herewith for your reference and necessary action. In view of the above, I request you to kindly lodge an FIR against these candidates under relevant sections of the Indian Penal Code and any applicable examination-related laws, so that strict legal action may be initiated against them as a deterrent to such unfair practices in the future. Detail of The Applicant Sr. No. 1. Rakesh Kumar Roll No.111221816 Room No 06 adhar Card No 484951583503 2. Kulvender Roll No. 111222227 Room No 27 Adhar Card No 671683705436 3. Mohit Roll No. 111222167 Room No 24 Adhar Card No 309919618007 4. Traun Roll No. 111221769 Room No 2 Adhar Card No 618735318214 5. Parveen Kumar Roll No. 111222095 Room No. 21 F2FPP 1224L (PAN CARD) 6. Rocky Roll No. 111222195 Room No. 25 Adhar Card No. 708635027459 7. Parveen Roll No. 111221771 Room No 2 Adhar Card No 255684405427 8. Amandeep Roll No. 111222238 Room No 27 Adhar Card No 91797054982 Note: During the time of Investigation an attempt was made to catch the candidates but two of the candidates i.e. Mandeep Kumar Roll No. 111222071 and Aman roll No. 111222036 Fled the scene by scaling

the school wall. Thanking You. Yours Faithfully Sd/- Rekha Bali"

6.1. On the basis of the above facts, the police registered the FIR, in question. The said complaint was made by the complainant, when she has informed the Police about the fact that in JCB School, 9 young men have been apprehended for using unauthorized electronic devices. Thereafter, the police reached at the spot, where the complaint was submitted and thereafter, the police machinery swung into motion.

6.2. Thereafter, the investigation of the case was entrusted to SIT. The SIT was supervised by Additional Superintendent of Police (City), Shimla, with SHO, Police Station New Shimla, as the Investigating Officer. The team comprised of one Dy.SP, 2 Inspectors, one Sub Inspector, two Assistant Sub-Inspectors, one Head Constable, 2 constables.

6.3. During investigation, on 18.05.2025, the electronic devices, which were allegedly used by the accused persons have been taken into possession through seizure memo. Statements of material witnesses were recorded under Section 180 of the BNSS.

6.4. It is the further case of the police that the all the accused persons were arrested on 19.05.2025 at Police Station New Shimla. Thereafter, they were produced before the Court on 20.05.2025, from where, they were remanded to the police custody for three days.

6.5. It is the further case of the police that during investigation, it was found that there is a nexus behind the unfair means used by the accused persons, which needs to be unearthed. The crime in question is stated to be an organized crime and masterminds of the same are yet to be identified and then confrontation with the accused persons is also required.

6.6. According to the Police, when the mastermind of the crime, in question will be identified and arrested, then the said person is required to be confronted with the accused persons. The mobile phones of the accused persons were taken into possession and sent for analysis, where, it has been found that whatsapp chat and other data, like call logs have been deleted.

6.7. It is the further case of the Police that accused Parveen and Rakesh Kumar have disclosed the recognisable identity of their handler, but the other

accused persons are not revealing the phone number and identity of the their organizer.

6.8. It is the further case of the police that CDRs of the Sim cards, which were used in the electronic devices by the accused persons, for cheating were obtained and checked and it was found that the IMEI number of all the electronic devices is same, which is not possible, without the involvement of technical hand behind it.

6.9. Lastly, it has been pleaded that during custody, applicant Aman could not give any satisfactory answer regarding fleeing from the Examination Centre. The mobile phone, produced by applicant Aman, has been sent to SFSL, Junga, for analysis.

7. On the basis of the above facts, a prayer has been made that the applications may kindly be dismissed.

8. Applicant Aman has given his age as 28 years. keeping in view the young age of the applicant, as well as, the fact that he is a student, this Court is of the view that the applicant is entitled for the relief, as prayed for.

9. As per the interim direction, issued by this Court, on 23.10.2026, the applicant has joined the investigation, as borne out from the status report.

10. So far as the heinousness of the offence, the same is not the criteria to decide the application, at this stage.

11. Merely, on account of the fact that the applicants is from the adjoining State, the bail cannot be declined to the applicant, as, in order to secure his presence, reasonable conditions can be imposed upon him.

12. Considering the totality of the circumstances, the interim order dated 23.10.2026, passed by this Court, is hereby made absolute and it is ordered that in the event of arrest, the applicant be released on bail, in case FIR No. 13 of 2025, dated 18.5.2025, registered, under Sections 10 and 11 of the Public Examination (Prevention of Unfair Means) Act, 2024, and Section 61(2) of BNS, with Police Station, New Shimla, H.P., on his furnishing personal bond, in the sum of ₹50,000/-, with one surety of the like amount, to the satisfaction of the Investigating Officer. This order, however, shall be subject to the following conditions :

a) *That the applicant will join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*

b) *That the applicant will not leave India, without prior permission of the Court;*

c) *That the applicant will not, directly or indirectly, make any inducement, threat or promise to any person, acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Investigating Officer or the Court; and*

d) *That the applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so seek exemption from appearance by filing appropriate application.*

13. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present applications.

14. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found violated by the applicant.

(Virender Singh)
Judge

November 2, 2026
(kalpana)