



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

**CRM-M-26704-2026
Date of decision: 12.05.2026**

Surya Dev

.....Petitioner

versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court praying for grant of anticipatory bail to him in case FIR No.12 dated 05.02.2026, under Sections 318(4), 61(2) of BNS, 2023 and Sections 10(1) of the Public Examinations (Prevention of Unfair Means) Act, 2024 added later on, registered at Police Station Raipur Rani, District Panchkula.

2. Succinctly facts of the case are that the FIR has been lodged on the statement of namely, Yogesh Sehgal. It was alleged that he is working as State Head in EDUQUITY CAREER TECHNOLOGY PVT LTD., BANGLORE and the company conducts the examination of the central agency STAFF SELECTION COMMISSION, Government of India. For conducting SSC papers, an examination centre has been set up at EXAM GENIUS ASSOCIATE, Vasundhara Garden, Village Mouli, District Panchkula. It was alleged that on 05.02.2026, the (MTS) Multi Tasking Staff 2026 examination was to be held at the above mentioned



examination centre in the second shift from 01:00 PM to 2:30 PM. He received a call from Regional Co-ordinator Sh. Gagandeep Singh, at around 4:30 PM, that two boys have been caught cheating with electronic devices inside the examination centre. Both the candidates were giving the online examination inside the centre. At around 2:00 pm, the candidates appearing for the examination at the examination centre were checked. During checking, Aman and Sunil Kumar were found cheating with the help of one earbud each and a small walkie-talkie like electronic device, both of which had tape on them. After informing the officials of SSC NWR Chandigarh about this information, he reached at the examination centre at Village Mouli. Both the above boys are found cheating with the help of electronic communication devices in their possession illegally during the paper and were arrested on the spot. Request was made to take legal action against the accused persons. Thus, the FIR was registered and investigation commenced. During investigation, petitioner-Surya Dev was arrayed as accused on the basis of disclosure statement. Apprehending arrest, petitioner approached the Court of learned Additional Sessions Judge, Panchkula praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same was declined vide order dated 08.04.2026. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner runs a jewellery shop at Kurukshetra and is a regular income tax assessee. He has submitted that the petitioner is not even named in the FIR and has been arrayed as an accused solely on the



basis of the disclosure statement of co-accused, Aman, which is not admissible evidence. He has submitted that it is an admitted fact that at the relevant time, the petitioner was not present in Panchkula and that the device, as alleged, was handed over at Kurukshetra in front of Kurukshetra University. In any case, the said device has already been recovered from Aman. He has submitted that the device in question is a very common device, is not a prohibited item and is easily available online. Thus, false implication of the petitioner is writ large. He thus, has submitted that in the facts and circumstances of the case, no *prima facie* case as alleged is made out against the petitioner and hence, he deserves to be granted anticipatory bail.

4. Learned State counsel has however, vehemently opposed the submissions raised by counsel for the petitioner. He submits that the offence alleged in the present case is serious in nature. He has contended that the petitioner met co-accused Aman near Gate No.2 of Kurukshetra University and handed over the electronic devices allegedly meant for cheating purposes. He has further submitted that the custodial interrogation of the petitioner is necessary to ascertain the source from where the said electronic devices were procured and the persons to whom the same were supplied apart from the co-accused. He has submitted that the mobile phone of co-accused Aman is yet to be recovered from the petitioner. Thus, the petitioner does not deserve the concession of anticipatory bail.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the allegations against the petitioner are that he supplied Bluetooth devices meant for cheating in the SSC (MTS)



Examination to the main accused. The said allegations for cheating in a public examination strike at the fairness and integrity of the examination system and adversely affect society at large. As submitted by the State that the mobile phone of co-accused Aman is yet to be recovered from the petitioner. Thus, granting anticipatory bail to the petitioner would scuttle the ongoing investigation.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-

“Direction for grant of bail to person apprehending arrest:-

Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

When the High Court or the Court of Sessions makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall 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 from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under*



sub-section (3) of Section 480, as if the bail were granted under that Section.

7. As per law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a



reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

8. The Hon'ble Supreme Court in **State Vs. Anil Sharma, (1997) 7SCC 187**, held as under:-

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable 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. Weighing the facts and circumstances of the present case on the anvil of law settled and the gravity of allegations and the role attributed to the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is very much essential to bring the truth on record and as such, petitioner does not qualify for exercising the extraordinary powers by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(**RAJESH BHARDWAJ**)
JUDGE

12.05.2026
m. sharma

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