



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

**CRM-M No.39173 of 2025
Date of Decision:15.01.2026**

Jagroop Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Mr. Munish Kumar Garg, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.168, dated 02.10.2022, under Sections 406, 420, 120-B of IPC and Section 66(D) of Information Technology Act, registered at Police Station Division No.6, District Jalandhar.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Saurabh Kansal, authorized representative of firm M/s Pearsons India Education Private Limited. It was alleged that the company was engaged in business of conducting various computer based tests across the globe, including



but not limited to, academic admissions, IT, Government and Licences examination for various private and government organizations. It was alleged that on 03.06.2022, the company, vide e-mail from Tipster, received an information with respect to irregularities at test centre at Model Town and thereafter, it conducted review of tests delivered at Centre and found that eight persons, including the petitioner, namely Jagroop Singh, colluded with a Test Center Administrator (TA), namely Sahil Joshi, to conduct proxy examinations at the test center on different dates, thereby defrauding and cheating the complainant by swapping candidates during the examination. On filing the complaint in the present case, the investigation was conducted by the Assistant Commissioner of Police, Special Branch, Jalandhar and even opinion from DA\Legal was obtained and then the FIR was registered against the petitioner and other accused persons. Apprehending arrest, the petitioner approached the Court of learned Addl. Sessions Judge, Jalandhar for the grant of anticipatory bail. However, learned trial Court after hearing both the sides, dismissed the same vide order dated 02.08.2023. Hence, the petitioner has approached this Court by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner duly appeared in Pearson Test of English on 11.06.2022 at 07:15 p.m. and his passport was duly checked and he was allowed to sit at workstation No.4, which is evident from the CCTV footage, however, the allegation levelled against the petitioner is that he



was to sit at workstation No.3, but he was allowed to sit at workstation No.4, which was the seat of Vicky Kumar Singla. It is submitted that the petitioner sat on that workstation as told by the Test Administrator. He submits that neither the petitioner ever met the Test Administrator nor he has any relation with Vicky Kumar Singla. He submits that the entire test conducted by the company is monitored 'live' by the company through access from an undisclosed location. It is further submitted that the petitioner has been made scapegoat in the present case and he has no role to play in the alleged offence. He further submits that all the accused except the present petitioner, have already been granted regular bail. He has submitted that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances, he deserves to be granted anticipatory bail.

4. *Per contra*, learned counsel for the complainant has vehemently controverted the contentions raised by counsel for the petitioner. He has submitted that the complainant company is a reputed organization globally recognized for its high standards of security, integrity, and quality in testing. Its examinations are widely accepted and utilized by foreign countries for regulatory and immigration purposes, which helps with prevention of immigration frauds. He has submitted that the complainant has also produced the audio and video recordings of the exam, which clearly shows the involvement of the petitioner alongwith the co-accused and thus, defrauded the complainant by way of swapping in exam. It is also submitted that the other accused were



granted regular bail and not the anticipatory bail. He, thus, submits no case for grant of anticipatory bail to the petitioner is made out.

5. This Court vide order dated 24.07.2025, directed the Investigating Agency not to take any coercive action against the petitioner and thereafter, vide order dated 27.08.2025, the petitioner was directed to join the investigation as envisaged under Section 482(2) of the BNSS, 2023. Status report by way of affidavit of Roopdeep Kaur, PPS, Assistant Commissioner of Police, Model Town, Jalandhar has already been filed.

6. Learned State counsel has also vehemently opposed the contentions raised by counsel for the petitioner. He submits that the petitioner and co-accused Vicky Kumar Singla appeared for the exam on 11.06.2022, when co-accused Sahil Joshi was the Test Administrator. During the investigation, Sahil Joshi made a disclosure statement about the complicity of the petitioner in the alleged act of fraud and cheating. He submits that as per the CCTV footage pertaining to 11.06.2022 of the examination centre, co-accused Sahil Joshi made him to sit on workstation No.3 and another co-accused Vicky Kumar Singla was made to sit on workstation No.4, whereas, the petitioner had to sit on workstation No.4, which clearly shows that all the accused colluded with each other and orchestrated a scheme to defraud and cheat respondent No.2. He, thus, submits that to unearth the truth, custodial interrogation of the petitioner is required and thus, he does not deserve the concession of bail.



7. After hearing learned counsel for the parties and perusing the record, it is deciphered that on the complaint made by Saurabh Kansal, authorized representative of M/s Pearson India Education Service Private Limited, the present FIR was lodged. It was alleged that the petitioner and co-accused Vicky Kumar Singla appeared for the exam on 11.06.2022 at 07:15 p.m., where co-accused Sahil Joshi was the Test Administrator. As per the CCTV footage pertaining to 11.06.2022, the petitioner was found to be changing his workstation from Workstation No.4 to Workstation No.3 in connivance with the co-accused, and thus, committed fraud with the complainant. FIR in the present case was registered in the year 2022, however, the Petitioner has been evading his arrest for about 3 years. There are total 11 accused in the present FIR and other co-accused were arrested and were duly interrogated during the custody and thereafter were granted regular bail. Thus, for a free and fair investigation, custodial interrogation of the petitioner is very much necessary in the present case.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When 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.*



2. *When the High Court or the Court of Session 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."*

9. As per the 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 always 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."

10. 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.*”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, in the facts and circumstances, the investigation is at threshold and custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the



same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

The petitioner was granted interim protection by this Court vide order dated 24.07.2025 and thereafter, he was directed to join the investigation vide order dated 27.08.2025. In case the petitioner surrenders before the trial Court within a period of 30 days from today and files an appropriate application for bail, the trial Court is directed to deal with the same expeditiously, in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

15.01.2026

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