



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

103

CRM-M No.35752 of 2024  
Date of decision: 05.08.2024

MD. SULTAN BHARTI

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

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**MANISHA BATRA, J. (oral)**

1. Prayer in this petition has been made for grant of pre arrest bail in case arising out of FIR No.166 dated 15.04.2022 registered under Sections 420, 465, 467, 468, 471, 474 and 120-B of IPC at Police Station Sector-14, Panchkula on the basis of a written complaint filed by Satpal Garg, Superintendent of Haryana State Pharmacy Council, Panchkula (for short- **the Council**) alleging therein that some candidates had applied for registration as Pharmacists with the abovesaid Council. They had submitted their 10+2 class and other qualification certificates. All these candidates were residents of State of Haryana and had passed 10+2 examination from the Board of School and Technical Education, Chhatisgarh (for short-**the Board**). On scrutiny of the documents submitted by them, the Council came to know that in fact, the Board was an unapproved institute and only temporary recognition was granted to it which was declared void by the Chhattisgarh Secondary Education Board by passing an order dated 07.03.2015, clarifying that the Board was not having any valid recognition as per law. Since, the certificates



qua qualifying 10+2 examination were still being issued by the Board, therefore, prayer was made for taking action in the matter.

2. As per the further allegations, after registration of the FIR, investigation proceedings were initiated after constituting a SIT headed by an officer of rank of Deputy Superintendent of Police, State Crime Branch, Panchkula. The President of the Council was joined into investigation. List of 122 candidates who had submitted the documents was obtained. Some of the accused who were employees of the Board, had been arrested. The petitioner who had been the Controller of the examination with the Board for which the equivalence had been obtained by him in an illegal manner, after collusion with the officers concerned of the Chhattisgarh Secondary Education Board, had also been nominated as an accused. It was found that the mark-sheets issued by the Board were having the signatures of the petitioner as appended in the year 2016 and 2018 despite the fact that the certificate for equivalence granted to the Board had been cancelled by virtue of order dated 07.03.2015. It is also revealed during the course of investigation that the petitioner had also been signing the receipt books of the Board and had purchased 29 acres of land in favour of one Lamba foundation by using the funds earned through the Board by being hand-in-glove with the accused Nitin Lamba and his wife. The investigation is still underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Panchkula vide order dated 01.04.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in



this case. He has nothing to do with the administration of working of the Board and is a simple employee of the Board. He had never been a trustee of the Board. He has only performed the duties assigned to him in the course of employment and was least concerned with the persons managing and running the Board. He is suffering from several ailments. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. No case for commission of offence of forgery or cheating has been made out against him. Therefore it is urged that he deserves to be extended benefit of bail.

4. Notice of motion.

5. Learned State counsel who appeared on advance notice of the petition, is ready to argue the matter and has submitted with great stress that there are specific and serious allegations against the petitioner. He has been controller of examination with the Board. The equivalence of this Board was obtained in an illegal manner after colluding with the officers of Chhattisgarh Educational Board. The same had been cancelled on 07.03.2015, however, still mark-sheets were issued by the said Board in the year 2016 and 2018. These mark-sheets are bearing the signatures of the petitioner and it cannot be assumed by any stretch of imagination that he being a literate person was not aware of the fact that the Board was not having any equivalence and was declared as void after cancellation of its equivalence way back in the year 2015. The appending of signatures on the mark-sheets itself proved his complicity in the offences for which he has been booked. His custodial interrogation is required to elicit the important information. It is well settled proposition of law that arrest is a part of procedure of the investigation to



secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discussion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

05.08.2024  
Jyoti-IV

(MANISHA BATRA)  
JUDGE

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