

Neutral Citation No. - 2024:AHC-LKO:42311

Reserved

Court No. - 31

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11564 of 2023

Applicant :- Kuldeep Singh Verma @ Kuldeep Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

Counsel for Applicant :- Atul Verma, Diwakar Singh, Hari Krishna
Verma, Sushil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard Mr. Sushil Kumar, learned counsel for the applicant and Ms. Nikita Mishra, learned Additional Government Advocate representing the State.

2-By means of this application under Section 439 of Cr.P.C., applicant-Kuldeep Singh Verma @ Kuldeep Singh, who is involved in Case Crime No. 382 of 2022, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., Section 66-D I.T. Act and Section 7(ka)/8 (i)(ii) of Prevention of Corruption Act, Police Station Hazratganj, District Lucknow seeks enlargement on bail during the pendency of trial.

3-Summarising the facts of this case which are required for disposal of this bail application are that on 04.11.2022, an F.I.R. was lodged against M/s Uptron Powertronics Ltd., the vendor company namely V-3 Soft Solution Pvt. Ltd. through its representative Mr. Kuldeep Singh and unknown person alleging inter alia that :-

3.1-The State Government issued a Government Order No. 4396/96-Ayush-1-2021-157/2021 Ayush Anubhaag-1, Lucknow dated 10.12.2021 for online counselling of NEET 2021 Examination in relation to Ayush Department (Ayurveda, Unani and Homeopathy) Colleges for the courses of BAMS/BUMS/BHMS for the Academic Session 2021-22.

3.2-The Government, while prescribing the procedure for allotment of colleges through online counselling for the students, had constituted a Board for the said purpose. In addition to the names of the members of the counselling Board issued by the Government, the Director of Ayurveda, Unani and Homeopathy department were also authorized to nominate the members. Accordingly, Dr. Umakant, Officer-in-charge (Education) Ayurveda Directorate, Dr. Mohd. Wasim, Officer-in-charge, Unani Directorate, Prof. Vijay Kumar Pushkar, Joint Director (Education), Homeopathy Department were nominated for counselling by the directors of the concerned department. A brochure related to joint adoption of the counselling process by the Director, Ayurveda, Unani and Homeopathy Department was prepared with the mutual consent.

3.3-The Government had decided to conduct the online counselling through a technical institution who is well acquainted with the process of online counselling. Due to non-availability of I.T. Cell at department level, M/s Uptron Powertronics Ltd. which is a State undertaking was authorized by the State Government to do the work of online counselling for NEET 2021-22 Examination, vide Government Order No. 4683/96-Ayush-1-2021-166/2021 Anubhaag-1, Lucknow dated 07.12.2021, issued by the Secretary, Department of Ayush addressed to Ayurvedic Services, U.P. Lucknow informing

that M/s Uptron Powertronics Ltd. has been nominated to conduct the online counselling of NEET 2021 Examination for the Academic Session 2021-22 for undergraduate and postgraduate courses.

3.4-Vide letter dated 15.01.2022, M/s Uptron Powertronics Ltd. had engaged another company, namely, M/s V-3 Soft Solution to perform the online counselling of the aforesaid courses. In the said order dated 15.01.2022, it was clearly directed that *"You will be fully responsible for maintaining complete secrecy and integrity of the documents and related information of the client department"*. Thereafter, counselling process was completed by 19.05.2022 under the supervision of employees and officers of Ayush department. The vendor company namely V-3 Soft Solution Pvt. Ltd. was responsible for registration of students through online process, data capture, photo upload, fee payment, preparation of state merit list of students, seat allotment and calling of the students at the counselling venue and online verification of their record, etc., but the supporting staff of V-3 Soft Solution Pvt. Ltd., instead of performing their assigned duties, tampered with data record received from DGME and verified the forged records submitted by the candidates online. Dr. Umakant was authorized to receive the examination result of NEET 2021-22 Examination in the hard disk (in soft copy) from the office of Director General Medical Education and training, U.P.

3.5- The said result was transferred through a hard-disk (in soft copy) to Mr. Kuldeep Singh Verma (present applicant) and he copied the data from the hard disk. Thereafter, the copy of forged NEET result submitted by the candidates was verified online by Mr. Kuldeep Singh. The counselling process conducted by

officers/employees through offline manual verification was preserved.

3.6-On 11.10.2022, it came to the knowledge that the students who were not qualified/appeared in the NEET Examination through counselling, have also been admitted through online process by forging records, due to which NIC was contacted and the online counselling editor Mr. Kuldeep Singh was informed on behalf of the vendor. When asked how ineligible students were given through online counselling, they told it was not possible.

3.7-On 12.10.2022, Mr. Kuldeep Singh was called to the Directorate, with the data of students selected through NEET counselling and Mr. Imran Ahmad of NIC was also called. It was revealed that Mr. Kuldeep Singh took the hard disk, preserved in the Directorate, from Dr. Umakant for matching the data, saying that he will match it by inserting the same in his laptop, while he was asked by Mr. Imran Ahmad to match it on his server.

3.8-On 13.10.2022, Mr. Kuldeep Singh was repeatedly contacted on his mobile phone. When he did not answer, his office and home were contacted and when a satisfactory answer was not received from there, apprehension arose. After making a copy of the hard disk and RDBD preserved in the Directorate, Kuldeep Singh's associates, Mr. Indradev Mishra and Mr. Rupesh were sent to NIC along with Dr. Umakant for the purpose of getting the date of admitted students matched with the database copy of NEET result of DGME. When RDBD copy of the hard disk was tried to open in NIC, it did not open. Then, Dr. Umakant came and told that the RDBD copy of the hard disk was not opening and he told that yesterday, Mr.

Kuldeep Singh had put the same for tallying in his laptop, thus it was revealed that the data has been got corrupt by Mr. Kuldeep Singh. Even on 13.10.2022 data matching could not be done due to lack of hard disk recovery. Mr. Indradev Mishra and Mr. Rupesh told that it will take 12-14 hours to recover the data.

3.9-In continuation of the above, on 14.10.2022 Dr. Umakant again took Mr. Indradev and Mr. Rupesh to NIC Office, where the hard disk was reopened and NEET data of DGME was matched. After matching, differences were found between the two. It was also noticed that on putting NEET application number of the admitted students and his/her date of birth as mentioned in his/her NEET result and examination of the same through official website, result of each candidate is displayed but on putting application number and date of birth of the student as mentioned in the attached list on the website, the result does not open and invalid application number/date of birth is being displayed, due to which, their eligibility/selection appears doubtful. After matching the names of students selected through counselling by the NEET data and technical institute of DGME, there were changes in the names of 1181 students, out of which names of 22 students were found to have not appeared in NEET Examination and 927 such students have been allotted seat through various colleges. Out of 927 candidates, 891 students have taken admission.

4-The main substratum of argument of learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in this case. The applicant has not committed any offence as alleged by the prosecution. It is next submitted that there is no material evidence regarding the complicity of the applicant in the

instant crime. The instant F.I.R. has been lodged on the basis of conjectures and surmises. No offence under Sections 419, 420, 467, 468, 471, 120-B I.P.C. and Section 66D of IT Act is made out against the applicant. It is next submitted that the applicant was not an authorized person to conduct the examination on behalf of the Government. No money has been recovered from the house of the applicant. The applicant has not interpolated the result of NEET 2021 Examination. The applicant was running a consultancy and has been conducting the work in a very professional and honest manner. It is pointed out that co-accused Prabodh Singh, Rupesh Srivastava, Dr. Ritu Garg, Harsh Vardhan Tiwari, Dharmendra, Gaurav Kumar Gupta, Dr. Umakant, Kailash Chandra Bhaskar and Rupesh Ranjan Pandey have been granted bail by this Court vide orders dated 25.04.2023, 24.05.2023, 26.10.2023, 17.11.2023, 20.11.2023 and 21.11.2023 in Criminal Misc. Bail Application Nos. 540/2023, 859/2023, 4650/2023, 9793/2023, 12351/2023, 3974/2023, 11614/2023, 8558/2023 and 8262/2023 respectively. However, co-accused Satya Narayan Singh and Rajesh Singh have been granted bail by the trial court vide orders dated 24.05.2023 and 03.04.2023 in Criminal Misc. Bail Application Nos. 3821 of 2023 and 939 of 2023 and co-accused Vijay Yadav and Alok Kumar Tiwari have been granted bail by the Hon'ble Supreme Court vide orders dated 28.08.2023 and 10.11.2023 in SPL Crl. Nos. 3821 of 2023 and 12039 of 2023 respectively, as such, applicant is also entitled to be released on bail. Copy of bail orders have been annexed as Annexure Nos. RA1 to RA13 of the rejoinder affidavit dated 24.11.2023. Lastly, it is submitted that the applicant has no criminal history to his credit and is languishing in jail since 17.11.2022.

5-Per contra, learned A.G.A. for the State opposed the prayer for bail of the applicant by contending that the applicant has played key role in inserting the fake names in the database as mentioned in the F.I.R. The investigating officer, after due investigation, submitted charge-sheet against fifteen accused persons including the present applicant. The vendor company namely V-3 Soft Solution Pvt. Ltd. was responsible for all the works but in a pre-planned manner under a conspiracy, the work of online counselling was further handed over by vendor company V-3 Soft Solution Pvt. Ltd. to Harsh Vardhan Tiwari, Saurav Maurya of Techno Ocean Company and Rupesh Ranjan Pandey, Indradev Mishra of Remark Technology and all those works was mainly done in the supervision and direction of Kuldeep Singh who had no post in the said companies. All the tender process etc. was done through Kuldeep Singh, who committed forgery in NEET result and the candidates were wrongly verified by him. The details of ineligible candidates were illegally inserted in data base after taking lac of rupees from the candidates for their admission under management quota. It is also submitted that the applicant Kuldeep Singh has been conducting NEET AYUSH counselling without any authority and without obtaining tender for many years in collusion with Remark Technology and other companies. People of many companies and people from the Directorate of Ayurveda were also involved in this conspiracy. In the year 2021-22 in order to get tender, a letter dated 06.12.2021 was prepared by Mr. Kuldeep Singh through Rupesh Srivastava and Pravodh Kumar Singh of M/s Uptron Powertronics Ltd. to the effect that M/s Uptron Powertronics Ltd. Should be allowed to conduct AYUSH counselling at the previous rate. On the letter pad signatures of Rupesh Srivastava and Pravodh Kumar Singh were found. Regarding this letter, Rupesh Srivastava

(Director Remark Technology) and main accused Kuldeep Singh under a pre-planned conspiracy reached the Directorate of Ayurveda and sent the letter dated 06.12.2021 to the government on the same day, on which after recommendation of the then Minister, an order was issued on 07.12.2021 that work should be allotted to M/s Uptron Powertronics Ltd. at the previous rate. After that in-connivance with Mr. Kuldeep Singh, the said work was allotted from M/s Uptron Powertronics Ltd to Garav Kumar Gupta, Director of View Soft Solution. After that no work was done by View Soft Solution and in its place, the said counselling work was done by Harsh Verdhan Tewari and Saurabh Maurya, Director of Techno Ocean IT Soultion PVT. Ltd., Indradev Mishra, Rupesh Ranjan Panday, Director of Remark Technology and main accused Mr. Kuldeep Singh along with his associates and representative of owners of various private colleges fixed the amount for fake admission, after which data of failed candidates were collected from the college owners and representatives and thereafter by replacing the details in the server with the original data, admission of 936 ineligible candidates was done. In return, crores of rupees were earn by the accused persons in collusion with each other.

6-Having heard learned counsel for the parties and examined the matter in its entirety, I find that in this case, the investigating officer, after culmination of investigation, submitted charge-sheet dated 11.02.2023 against fifteen accused persons including the applicant. I also find that the applicant was not only mastermind of the incident in question but also played an active role in interpolating/forgery of the result of NEET 2021 Examination adopting different modus operandi. He took the hard disk which was preserved in the custody of Dr. Umakant for matching the data by saying that he will match it

by inserting the same in his laptop, while he was asked by Mr. Imran Ahmad to get the data matched on his server. On 13.10.2022, the applicant was contacted about the hard disk, but he did not reply the same, as such, Mr. Indradev Mishra, Mr. Rupesh along with Dr. Umakant went to NIC to match the data of the admitted students with NEET result data base copy of DGME. In the NIC, when the hard disk did not open, it was found that Mr. Kuldeep had inserted the same in his laptop for matching the data and the said hard disk got corrupt. On 14.10.2022, the said hard disk got retrieved, reopened and matched with the NEET data of DGME and differences were found between the two. On comparing both, it was found that the identity of 1181 students were changed and the names of 22 students were also mentioned who never appeared in the NEET Examination. This Court also finds that total 891 students got admission in the graduate courses of various State Level Colleges of Ayurveda, Unani and Homeopathy Department with the help of interpolated/forged result. During investigation, it was revealed that work was mainly done under the direction of the applicant Kuldeep Singh who does not belong to any of the companies. The entire tender process and everything was done through Kuldeep Singh. After which ineligible candidates could manage to secure admission by electronic forgery/impersonation in the data of candidates from out side the State, lakhs of rupees were taken from the ineligible candidates in the name of management quota and their admission was done in colleges. Crores of rupees were received as profit. This Court is of the opinion that several eligible students were deprived of their right of getting admission in the BAMS/BUMS/BHMS course in the Academic Session 2021-22 due to the misdeeds of the accused persons including the applicant, therefore, he is not entitled for any

sympathy. The case of the applicant is distinguishable from the case of other co-accused, hence no case of parity is made out.

7-Considering the overall facts and circumstances of the case as well as keeping in view the submissions advanced on behalf of parties, gravity of offence, role assigned to applicant, other attending factors and severity of punishment, I do not find any good ground to release the applicant on bail.

8-Accordingly, the bail application is **rejected** at this stage.

9-It is made clear that the observation contained in the instant order is confined to the issue of bail and shall not affect the merit of the trial.

OrderDate:-03.06.2024

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