

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47756 of 2015

Arising Out of PS.Case No. -46 Year- 2015 Thana -MAGADH UNIVERSITY District- GAYA

Parampal Singh Gandhi, Son of Kirpal singh Gandhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. S.Dayal (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-10-2015

The matter has been listed out of turn on the prayer of learned counsel for the petitioner since petitioner being a senior officer of Punjab Police Service is apprehending arrest. A supplementary affidavit to that effect has been filed.

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 474, 477A, 120B, 201/34 of the Indian Penal Code.

The prosecution case is that the petitioner obtained fake B.A.(pass course) degree from Magadh University in 1992 after appearing from the Kisan College, Sohsarai, Nalanda for the academic sessions 1987-89. On the basis of same, subsequently, got appointed as Inspector in the Punjab Police Service.

It is submitted by learned counsel for the petitioner that



the petitioner appeared at the competitive examination for being appointed as Inspector of Police in the State of Punjab. Subsequently, he was selected and, thereafter, on verification of his credentials and academic records he was appointed. Subsequently, anonymous complaint was made alleging his graduation degree to be forged when the then Superintendent of Police, Ropar made an enquiry in 1998 regarding his graduation certificate when it was clarified by the Magadh University by suggesting it to be genuine. Consequently, enquiry was dropped. Thereafter, on the complaint of the present informant namely Anil Kumar Bhanot, who also being police officer of Punjab cadre, has personal grudge against the petitioner, repeated enquiries were made by the DGP, Punjab, the SSP, Ropar, the SSP, Amritsar and also SP, Batala but all the enquiries were dropped finding the graduation certificate of the petitioner issued by the Magadh University being genuine. However, in 2011 petitioner was suspended on the complaint for the same issue. Consequently, the petitioner moved before the Punjab and Haryana High Court in CWP No. 13502 of 2011 when the suspension of the petitioner was stayed. Thereafter, an enquiry was again held and his certificate was again found genuine. Consequently, the Punjab Government revoked the suspension of the petitioner.



Accordingly, the said writ application was disposed of. However, the present informant repeatedly filed writ applications before the Punjab and Haryana High Court raising the same issue. Some of them are still pending. Subsequently, the State Information Commissioner directed the Chief Secretary as well as the University to hold enquiry which was challenged before this Court in CWJC No.4021 of 2013. Thereafter, the University filed counter affidavit taking the stand that the certificate of the petitioner is genuine. Subsequently, the Magadh University decided to reopen the matter when notices were issued to the petitioner which was challenged by the petitioner in CWJC No.9065 of 2014 whereunder a co-ordinate Bench of this Court recorded, vide order dated 15.05.2014, that on several occasions, enquiries with regard to the alleged certificate of the petitioner were made and all the times, the University certified that the certificate of the petitioner is genuine. Hence, the court directed for stay of any further action by the University against the petitioner. In view of the several reports submitted by the University in favour of the petitioner there is presumption of genuineness of the certificate of the petitioner.

It is further submitted that the petitioner at present is posted as Deputy Commissioner of Police, Amritsar and now the

investigation has already concluded. The final form (chargesheet), so far as this petitioner is concerned, has been submitted. Moreover, it is not the case of the prosecution that the petitioner has not co-operated in the investigation.

It is submitted by learned counsel for the informant that the petitioner obtained forged graduation degree which gets reflected from the admission session of the petitioner in the school at Punjab. The petitioner got appointed in the Punjab Police Service on the basis of the alleged forged degree and all the time the petitioner tried to scuttle the enquiry and managed the report. Moreover, the State Information Commissioner constituted a 'Three Men Enquiry Committee' which found, the entire episode originating from petitioner appearing at the concerned examination at Kisan College, Sohsarai to the stage of obtaining degree, to be suspicious hence directed the Chief secretary, Government of Bihar to take final decision in the matter. The said recommendation of State Information Commissioner was challenged in CWJC No.4021 of 2013 wherein a co-ordinate Bench of this Court directed the State Information Commissioner and Magadh University to file counter affidavits vide order dated 14.03.2013 and the Bench further directed the Chief Secretary, Government of Bihar not to act on the recommendation of the

State Information Commissioner. Counsel for the informant has not controverted the fact that so far as this petitioner is concerned, the investigation has already concluded. Though investigation with regard to the others is still pending. It is further submitted that the petitioner has maliciously filed criminal case against the different authorities and the informant.

Considering the fact that the alleged degree was obtained in 1992, during academic session 1987-89, several enquiries were made and all the time the authorities submitted the report that the certificate is genuine, the investigation has already concluded, hence there is no need of custodial interrogation of the petitioner, counsels for the informant and the State have not controverted this contention of the petitioner that the petitioner has co-operated during investigation, there is nothing on record to suggest that the alleged graduation degree has been cancelled and the writ applications, questioning the genuineness of alleged certificate, are still pending, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya in connection with Magadh

University P.S. Case No. 46 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The observation of this Court will not be treated as finding regarding genuineness or otherwise of the alleged certificate of the petitioner, in question.

Learned trial court will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

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