

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

208

CRM-M-36971-2018 (O & M)
Date of Decision:03.07.2019

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Sidhu, Advocate for the petitioner.

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.109 dated 01.08.2018 under Section 420 IPC (Section 15 of Medical Council Act added later on), registered at Police Station Bhikhiwind, District Tarn Taran. The petitioner apprehended his arrest at the hands of Police. As per the allegations in the FIR the M.B.B.S. degree possessed by accused (petitioner) is not genuine.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 27.08.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Heard.

Notice of motion for 14.01.2019.

The petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on ad

interim bail till the next date, subject to his furnishing bonds to the satisfaction of SHO/Investigating Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure failing which he shall lose the benefit of interim bail allowed to him.

Learned State counsel is directed to verify the Certificate of M.B.B.S(A) (Annexure-P2) and further to verify as to whether the Biraja Medical College of Homoeopathy Allopathy and Ayurvedic etc. is recognized by the competent authority and submit the report on or before the adjourned date. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer. He further contends that there is nothing against the petitioner to suggest that the degree is forged and fabricated.

On the other hand, learned State counsel has vehemently contended that apparently the degree is not genuine. She is unable to give even a single name of any victim who suffered at the hands of the petitioner during treatment. She is further unable to produce anything to suggest that the degree is not genuine, much less with any verification from the Institute which had issued the degree. She further contends that the communication was sent to the Institute, however, no response has been received.

Considering the above, this Court is of the opinion that custodial interrogation of accused may not be necessary, therefore, the petition is allowed and the interim bail granted by this Court vide order dated 27.08.2018 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

03.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No