

CRM-M-25299-2020(O&M) and
CRM-M-27773-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25299-2020(O&M)

Date of decision: 25.09.2020

(1)

Ranbir Singh

.....Petitioner

V/s.

State of Haryana

.....Respondent

CRM-M-27773-2020

Date of decision: 25.09.2020

(2)

Harikesh

.....Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sukesh K. Jindal, Advocate,
for the petitioner in CRM-M-25299-2020.

Mr. Amit Chaudhary, Advocate,
for the petitioner in CRM-M-27773-2020.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana.

Sanjay Kumar, J.

CRM-22817-2020 in
CRM-M-25299-2020

This application is ordered and the documents are taken on
record as Annexure P-5 to P-7.

Main cases

The petitioners in these two cases seek grant of regular bail in FIR No.0259 dated 07.05.2019 on the file of Police Station Samalkha, District Panipat, registered under Sections 420, 465 and 472 and 120-B IPC (Section 467,468, 471 and 201 IPC added later on and Section 472 IPC deleted). Ranbir Singh, the petitioner in CRM-M-25299-2020 was named as the sole accused in the FIR originally.

The case of the complainant, Dharampal, was that Ranbir Singh had obtained a Bachelor of Ayurvedic Medicine and Surgery (BAMS) Degree on the basis of a fake Senior Secondary Examination Certificate.

Harikesh, the petitioner in CRM-M-27773-2020, was implicated in the offence on the strength of the disclosure statement suffered by Ranbir Singh, after his arrest on 12.07.2020. The allegation against him was that he had secured fake certificates for Ranbir Singh, on payment of money.

The Deputy Superintendent of Police, Head Quarter, Panipat, filed a status report in the bail petition filed by Ranbir Singh. Therein, he stated that Ranbir Singh had gained admission in Ashwaini Ayurvedic Medical College and Research Centre, Tumkur, Bangalore, on the basis of the 10+2 qualification secured by him from the Board of High School & Intermediate Education, Uttar Pradesh. He contested the claim of Ranbir Singh that he had secured a Senior Secondary Examination Certificate from Raipur. He stated that a notice was already issued to the Regulatory

Commission, Raipur, to verify the genuineness of the petitioner's claim in this regard.

Mr. Sukesh K. Jindal, learned counsel appearing for Ranbir Singh, would point out that there is no doubt whatsoever as to the genuineness of the BAMS qualification of his client and it is only the Senior Secondary Examination Certificate, on the strength of which he gained admission in the BAMS course, that is being doubted. He would contend that the medical registration of the petitioner, which was initially suspended by the Indian Medical Council, Haryana, Panchkula, was reinstated on 06.12.2019, pending inquiry into his claim that he had obtained the 10+2 Certificate (Pre-University Course) from the University of Technology and Sciences, Raipur. Learned counsel would also point out that the said University of Technology and Sciences, Raipur, had addressed letter dated 26.09.2018 to the Indian Medical Council, Haryana, Panchkula, certifying the genuineness of his claim. It is on this basis that he would press for the relief of regular bail.

Mr. Amit Chaudhary, learned counsel appearing for Harikesh, would state that his client has been in custody since 13.07.2020 and that no purpose would be served by his incarceration pending the investigation.

Ms. Mahima Yashpal, learned Deputy Advocate General, Haryana, does not dispute the fact that it was only in September, 2020, that the Investigating Officer addressed a letter to the Regulatory Commission, Raipur, to verify the claim made by Ranbir Singh that he had secured his 10+2 qualification from the University of Technology and Sciences,

Raipur. She would also confirm that custodial interrogation of both these accused persons is no longer required. She would however state that the co-accused are yet to be apprehended and argue that the release of the petitioners at this stage may cause delay in the investigation.

Given the nature of the allegations levelled against the petitioners, it is clear that the prosecution would have to secure sufficient documentary evidence to establish a case against Ranbir Singh, and thereafter, against Harikesh. No purpose would be served by continuing the custodial incarceration of either of these persons at this stage as their further interrogation is admittedly not required. They would therefore be entitled to relief, subject to conditions.

The petitions are accordingly allowed directing the release of both the petitioners on regular bail in FIR No.0259 dated 07.05.2019 on the file of Police Station Samalkha, District Panipat, upon the petitioners furnishing personal bonds for a sum of ₹. 50,000/- each along with one surety for a like sum each to the satisfaction of the Illaqa/Duty Magistrate concerned. Both the petitioners shall rejoin the investigation, if required, and co-operate fully with the police authorities. Further, they shall not offer any inducement, threat or promise to any person connected with the case.

(SANJAY KUMAR)
JUDGE

25.09.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no