

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:04.02.2020

1. CRM-M No.42377 of 2019(O&M)

Bilander Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

2. CRM-M No.48592 of 2019(O&M)

Dr. Joginder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. N.S. Shekhawat, Advocate
for the petitioner in CRM-M No.42377 of 2019.

Mr. Arun Sharma, Advocate for
Mr. Subhash Godara, Advocate
for the petitioner in CRM-M No.48592 of 2019.

Mr. Deepak Sabharwal, Addl., AG, Haryana.

RAJ MOHAN SINGH, J.

[1]. Vide this common order, CRM-M No.42377 of 2019 titled Bilander Singh Vs. State of Haryana and CRM-M No.48592 of 2019 titled Dr. Jogender Singh Vs. State of

Haryana are being decided. Facts are being culled out from CRM-M No.42377 of 2019.

[2]. In CRM-M No.42377 of 2019, prayer is for grant of anticipatory bail in case bearing FIR No.4 dated 30.07.2019 registered under Sections 218, 409, 420, 466, 467, 468, 471, 120-B IPC and Sections 13(2), 13(1)(c), 13(1) (d) of the Prevention of Corruption Act at Police Station SVB Rohtak, District Rohtak.

[3]. In CRM-M No.48592 of 2019, prayer is for grant of anticipatory bail in case bearing FIR No.4 dated 30.07.2019 registered under Sections 218, 406, 420, 409, 466, 467, 468, 471, 120-B IPC and Sections 13(1) C D and 13(2) of the Prevention of Corruption Act at Police Station State Vigilance Bureau, Rohtak, District Rohtak.

[4]. Learned counsel for the petitioner(s) submitted that Ministry of Social Justice and Empowerment, Government of India had sponsored a scheme of Post Matriculation Scholarships to the students belonging to Scheduled Castes/other Backward Classes for studying in India. The said scheme has several checks and balances. The scholarships are available for studies in India only and the same are awarded by the Government to eligible applicants as per scheme. In the State of Haryana, the Department of Welfare of Schedule

Castes and Backward Classes was the Nodal/concerned department for grant of such scholarships. Earlier the cases were dealt with manually, but since 2015-16, the applications have been invited from the candidates by advertisement by online mechanism. From the year 2015-16 to 2017-18, online portal of a company named Trigma was in existence. In 2018-19, online portal has been changed in favour of HKCL Company. Scholarships have been given to post matriculation/post secondary courses pursued in recognized institutions. Institutions within the State were to be verified by District Welfare Officer, whereas outside the State were required to be verified and approved by Deputy Director at Head Office. Even in some cases, the concerned officer used to visit the institutes personally. The students of approved institutes had to upload their prescribed forms at the portal and thereafter, verification had to be done by the approved institutes and then by DSWO.

[5]. Learned counsel vehemently submitted that the allegations have been made in respect of misappropriation of scholarships of Schedule Castes students and the petitioner was never involved in dealing and sanctioning of such scholarships at any point of time during 2015-19. Director General Welfare of Schedule Castes and Backward Classes

issued an official notice in respect of work distribution of training and education branch where the petitioner is posted. From the aforesaid, it is evident that the petitioner was never allotted any work of awarding such scholarships to anyone. Learned counsel further submitted that Surinder Kumar, Accountant from the office of District Welfare Officer, Sonapat used to be posted from time to time at the Directorate and his deputation was always ordered by the higher officers of the Department from time to time. It has been alleged that the petitioner and Anil Kumar, Deputy Director used to collect fake Aadhaar Cards in the Pen drive and asked Surinder Kumar to transfer the said amount in the Aadhaar linked accounts and in this way, the amount of scholarships used to be transferred in the fake Aadhaar linked accounts. By referring to meeting dated 27.03.2019 in the office of Director Welfare of SC/BC, learned counsel submitted that the meeting was attended by Surinder Kumar, Accountant, wherein he admitted that the entries were made by him at his own at head office level and he never implicated the petitioner with any Aadhaar details or Aadhaar linked accounts were provided by the petitioner to him.

[6]. On the other hand, learned State counsel submitted that the petitioner(s) was very much involved in the scam. As per disclosure statement of Surinder Kumar, the petitioner in

connivance with Surinder Kumar prepared a pen drive and he after taking print out of the XML sheet, returned the same to the petitioner. Learned State counsel also referred to 603 call details of the petitioner with co-accused Arvind Sangwan and 565 call details with co-accused Surinder Kumar. Same Aadhaar cards have been used in all the Districts. Co-accused Arvind Sangwan is still at large. Challan has already been presented against Deputy Director R.S. Sangwan and Surinder Kumar and further investigation is pending. Investigation is being done by higher police officers headed by DGP (Crime). Petitioner, Arvind Sangwan and Surinder Kumar used to meet in Landmark Hotel, Chandigarh. The misappropriation to the tune of Rs.40,00,00,000/- has been alleged in the present case and the same has been unearthed after four years. The students have not get anything. The tower location of the petitioner with Arvind Sangwan and Surinder Kumar is *prima facie* found to be at the same place.

[7]. The complicity of petitioner Dr. Jogender Singh is also dependent upon outcome of the investigation. Petitioner Dr. Jogender Singh is owner of the University OPJS who is involved in another case also, but has not applied for anticipatory bail. The allegations of uploading the fake forms of the students are serious enough to dismiss the prayer for anticipatory bail of the

petitioner(s).

[8]. Since further investigation is in offing, therefore, at this stage, it would not be appropriate to consider any such innocence of the petitioners. The custodial interrogation of the petitioners is required to unearth incriminating material. No ground is made out for grant of anticipatory bail to the petitioners.

[9]. Both the petitions are accordingly dismissed.

04.02.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No