

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37993-2020

DATE OF DECISION: JANUARY 18, 2021

BHARAT KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AMANDEEP CHHABRA, ADVOCATE
FOR THE PETITIONER.

MR. SANDEEP SINGH DEOL, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.193 dated 9.10.2020, under Section 420, 465, 468, 471, 473, 120-B, 34 IPC, Police Station Cantt. Bathinda, District Bathinda. He apprehended his arrest at the hands of Police in the abovesaid FIR.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Bathinda in his order dated 6.11.2020, are as under:-

“FIR of the present case was lodged on the basis of letter No.1233 dated 9.10.2020 from the Registrar, Adesh University Bathinda, against the Ashok Kawatra, Bharat Kumar (applicant) and Vikash Bishnoi, all residents of Suratgarh(Rajasthan) forhaving generation of fake degree certificate of Adesh University Bathinda, when one Brijesh Singh son of Raj Bahadar Singh submitted the documents i.e. statement of Ist year Marks Sheet Roll No.6935198, 2nd year Marks Sheet Roll No.7065498, 3rd year Marks Sheet Roll No.7906518, 4th year Marks Sheet

Roll No.8629438, Bachelor of Dental Surgery year 2018, Migration Certificate No.17108450 of May 2018 to the said university for verification which were, however, found to be fake and fabricated. The said Brijesh Singh had informed the Adesh University Registrar that the said certificates were issued to him by the Ashok Kawatra as well as Vikash Bishnoi and Bharat Kumar (applicant) who had even confirmed that the said documents are true and correct.”

Learned counsel for the petitioner has argued that the allegations in the FIR are mainly directed against the co-accused persons, namely, Vikas Bishnoi and Ashok Kawatra. According to him, these two persons also confirmed about the correctness of these forged certificates. He submits that the petitioner was working as a driver with these two co-accused persons and therefore, he deserves the concession of anticipatory bail.

The prayer is opposed by learned State counsel assisted by ASI Kulwinder Singh on the ground that the allegations in the FIR are serious and the petitioner has been named alongwith his two co-accused persons. He has argued that on the strength of the forged certificates, applicant Brijesh Singh applied for admission in Adesh Univeristy, Bathinda and upon verification, the said documents/certificates were found fake. He has contended that the petitioner not only delivered those certificates to the applicant, but also collected money from him. He prays that the application for anticipatory bail be dismissed.

Learned counsel for the parties have been heard and perused the case file.

As per the prosecution, forged and fabricated certificates of qualifications were used by the applicant to facilitate his admission in the course of Bachelor of Surgery at Adesh University. When the certificates were verified, it was reported that the purported issuing authority never issued those certificates. The applicant has been named in the FIR who was admittedly working with the co-accused persons and therefore, at this stage, it will be difficult to segregate his case with the other co-accused persons and therefore, keeping in view the serious allegations, this Court is of the opinion that the custodial interrogation of the petitioner may be necessary to unravel the truth.

Resultantly, this Court does not find it a fit case for extending the concession of pre-arrest bail to the petitioner.

The petition is dismissed.

January 18, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No