

211-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision-07.07.2021

1. CRM-M-39078-2020

Ashok Kwatra

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-38794-2020

Vikas Bishnoi

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.K.Khunger, Advocate for the petitioner
in CRM-M-39078-2020.

Mr.G.S.Sidhu, Advocate for the petitioner
in CRM-M-38794-2021.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.193 dated 09.10.2020 registered under Sections 420, 465, 468, 471, 473, 120-B and 34 Indian Penal Code, 1860 at Police Station Cantt, Bathinda. The petitioners are in custody since their arrest on 10.10.2020.

The FIR was registered on the basis of letter No.1233 dated 09.10.2020 and the allegations as noticed by the learned Additional Sessions Judge, Bathinda in the order dated 06.11.2020 are as under:

“Present case was lodged on the basis of letter No.1233 dated 09.10.2020 from the Registrar, Adesh University Bathinda, against the Ashok Kawatra, Bharat Kumar and Vikash Bishnoi, all residents of Suratgarh (Rajasthan) for having 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 Mark 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 that Adesh University Registrar that the said cerrificates were issued to him by the Ashok Kawatra, Vikas Bishnoi and Bharat Kumar who had even confirmed that the said documents are true and correct. The said certificates (in original) allegedly issued to said Brijesh Singh, are part of the police file which are shown to be issued by the Chancellor of the Adesh Group of Institution but have been found to be fake by the Registrar, Adesh University, Bathinda.”

Learned counsel for the petitioners have argued that the

above FIR was registered when the certificate produced by Brijesh was sent for verification and was found to be fake. According to them, on the statement of Brijesh, the petitioners were falsely implicated on the ground that the said certificate was provided to him by them. According to them, there is no evidence to indicate the involvement of the petitioners in the crime and as the investigation of the case is complete, therefore, further custody of the petitioners may not be necessary. They have prayed for regular bail.

On the other hand, learned State counsel assisted by ASI Kulwinder Singh has opposed the prayer on the ground that the petitioners were engaged in preparing fake certificates and facilitated the students to obtain admission in different colleges. According to him during investigation, electronic material i.e. computer, hard disc, rubber stamps etc were recovered from the petitioners. However, it is not disputed by learned State counsel that the investigation of the case is complete and charges were framed on 02.03.2021. He has further produced custody certificates of the petitioners, which indicate that petitioners are not involved in any other case.

After hearing learned counsel for the parties and considering custody of the petitioners, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioners may not serve any useful purpose, who are presently confined in

judicial custody after their arrest on 10.10.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

Both petitions are allowed.

07.07.2021

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No