

211+104

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

Date of decision-07.07.2021

1. CRM-M-39119-2020 (O&M)

Multan Singh

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-7067-2021

Yashbir Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harkesh Manuja, Advocate for the petitioner
in CRM-M-39119-2020.

Mr. Gopal Sharma, Advocate for the petitioner
in CRM-M-7067-2021.

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 22.10.2020 and 16.10.2020, respectively.

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 16.11.2020 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 in the present FIR only three accused, namely, Vikas Bishnoi, Ashok Kwatra and Bharat Kumar were named, who had given the fake certificate to Brijesh and the petitioners were not named in the FIR. According to them, subsequently on the basis of the disclosure statement suffered by Vikas Bishnoi, petitioners were indicted as accused. According to them, the investigation of the case is complete as final report has been filed, 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 actively involved in preparation of fake certificates of different universities and they led to the recovery of some more fake certificates of the similar nature. However, it is not disputed by learned State counsel that the investigation of the case is complete and final report was filed on 08.12.2020, whereupon charges were also framed on 16.03.2021. According to him, out of total 15 prosecution witnesses, none has been examined so far.

At this stage, learned counsel for the petitioners have submitted that the recovery of alleged fake certificates from the house of the petitioners cannot be attached any significance as admittedly those were not put to any use, much less by the petitioners. They have

submitted that all the offences are triable by Magistrate, therefore, they be released on regular bail during the pendency of the trial.

After hearing learned counsel for the parties, custody of the petitioners and the fact that though the charges have been framed on 16.03.2021, but the trial is yet to commence as no prosecution witness has been examined out of total 15 witnesses. This Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioners may not serve any useful purpose, who are presently confined in judicial custody.

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.

(MANOJ BAJAJ)
JUDGE

07.07.2021

vanita

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