

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

CRM-M-49865-2021 (O&M)
Date of Decision:- 23.12.2021

Sonu Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab and
Mr. Harbir Sandhu, AAG, Punjab,
assisted by SI Swaran Singh.

Mr. Harchand Singh Batth, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.155 dated 1.8.2021 under Sections 406, 409, 381, 419, 420, 465, 467, 468, 471, 201/120-B IPC at Police Station Urban Estate, District Patiala.
2. The FIR in question pertains to misappropriation of funds of Punjabi University, Patiala by several of its employees, students and some outsiders as well. The FIR in question was lodged pursuant to a complaint made by Dr. Vikramjit Kumar Kaushik, Registrar, Punjabi University, Patiala wherein initially only 7 persons were named as accused namely Nishu Chaudhary, Jatinder Singh (Sevadar), Akashdeep Singh, Sonu Kumar, Harpreet Singh (s/o Karnail Singh), Vinay and Nisha Sharma.

3. It is alleged that it had been brought to the knowledge of Vice-Chancellor, Punjabi University, Patiala that a fraud had been committed regarding salary/scholarship bills in the names of Akashdeep Singh Jabbal, Sonu Kumar, Harpreet Singh(s/o Karnail Singh), Jatinder Singh, Vinay, Nisha Sharma, all relating to Department of Chemistry, Punjabi University, Patiala on the basis of forgery and fabrication and lacs of rupees had been misappropriated. The Vice-Chancellor constituted a Committee comprising of three members headed by the Registrar which conducted inquiry into the matter, during the course of which record was perused and disputed bills were got examined from Handwriting Expert Dr. Inderjit Singh and it was concluded that the disputed signatures on the bills in question were forged and did not match with those of Dr. Baljit Singh, Co-ordinator/Head of UGC-SAP Program of Chemistry Department. It was further found that Nishu Chaudhary and Jatinder Singh prepared forged salary bills of Research Fellows. The Committee found that the bills had been filled in by Nishu Chaudhary and Jatinder Singh who were working together in DPM office and that Jatinder Singh had affixed the forged signatures of Dr. Baljit Singh and that fake rubber stamp had also been affixed on the forged signature of Dr. Baljit Singh on the seven bills which were being examined. It was found that Smt. Raminder Kaur, Superintendent had also connived with Nishu Chaudhary and Jatinder Singh and had prepared and passed the seven forged salary/scholarship bills of Research Fellows pertaining to period w.e.f. January 2021 to April 2021. It was found that none of the beneficiaries were genuine Research Fellows and that the scheme under which the amounts were being claimed had ended in the year 2019. The

Committee concluded that Nishu Chaudhary, Raminder Kaur and Jatinder Singh, Peon had stolen/misplaced/destroyed establishment checking records pertaining to the years 2019-2020, 2020-2021 and 2021-2022 so as to avoid detection. Nishu Chaudhary is also alleged to have made changes in the utilization certificates of UGC-CAS (Physics).

4. After lodging of the FIR on 1.8.2021 on the basis of complaint made by the Registrar, Punjabi University, Patiala on 15.7.2021, the Registrar on the basis of further inquiries made by the Committee, furnished information including account details regarding involvement of more accused vide letter no. 1084/R dated 8.10.2021 wherein Sukhdeep Singh, Parminder Singh, Dalip Kumar, Naveen Kumar, Harpreet Singh(son of Amrik Singh), Yogesh Kumar, Narinder, Lovepreet and Gurmukh Singh were also stated to be the beneficiaries of the misappropriated amount.
5. It is the case of the prosecution that at the instance of Nishu Chaudhary, the petitioner had collected amount from Vinay Kumar, Gym Trainer at F2 Gym Urban Estate Phase-II, Patiala, which had been credited in his account by Nishu Chaudhary. It is alleged that he collected an amount of ₹5 lacs from Vinay Kumar. The petitioner is not employee of the Punjabi University but had studied there and obtained degree of Political Science. The petitioner is named in the FIR and an amount of ₹20,28,169/- is stated to be transferred from the University UGC and Non-UGC accounts to the bank account of petitioner i.e. A/c No. 55143595778 of State Bank of India, as per account statement (Annexure R-3).
6. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the amount allegedly

deposited in his account had been deposited by Nishu Chaudhary as there were family relations between Nishu Chaudhary and the family of the petitioner inasmuch as after death of petitioner's father, Nishu Chaudhary had helped the petitioner's mother in getting an appointment on compassionate basis in Punjabi University. It has further been submitted that the petitioner had also been taking tuitions from Nishu Chaudhary's wife namely Kavita Chaudhary and on account of the said relations between both the families, when Nishu Chaudhary asked him for permission to deposit amount in his bank account, he had agreed for the same.

7. On the other hand, the learned State counsel assisted by counsel for the complainant has submitted that since there is concrete evidence against the petitioner regarding deposit of an amount to the tune of ₹ 20,28,169/- in his bank account which had been deposited from the bank accounts of the Punjabi University, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 months and that he is not involved in any other case.
8. I have considered rival submissions addressed before this Court.
9. Having regard to the fact that it is an amount of ₹20,28,169/- which is stated to have been deposited in his account and while noticing that the petitioner has been behind bars since the last about 3 months and is stated to be having a clean record, further detention of the petitioner will not serve any useful purpose.

10. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.12.2021

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No