

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(I)	CRM-M-51702-2021 (O&M)
Ravi Kapoor	... Petitioner
Versus	
State of Punjab	... Respondent
(II)	CRM-M-42847-2021 (O&M)
Harpreet Singh son of Karnail Singh	... Petitioner
Versus	
State of Punjab	... Respondent
(III)	CRM-M-47109-2021 (O&M)
Yogesh Kumar	... Petitioner
Versus	
State of Punjab	... Respondent
(IV)	CRM-M-44696-2021 (O&M)
Sukhdeep Singh	... Petitioner
Versus	
State of Punjab	... Respondent
(V)	CRM-M-44715-2021 (O&M)
Gurmukh Singh	... Petitioner
Versus	
State of Punjab	... Respondent

(VI) CRM-M-44723-2021 (O&M)

Dalip Kumar ... Petitioner

Versus

State of Punjab ... Respondent

(VII) CRM-M-46330-2021 (O&M)

Parminder Singh ... Petitioner

Versus

State of Punjab ... Respondent

(VIII) CRM-M-46462-2021 (O&M)

Harpreet Singh son of Amrik Singh ... Petitioner

Versus

State of Punjab ... Respondent

(IX) CRM-M-50663-2021 (O&M)

Naveen Kumar ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:- 23.12.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshdeep Singh Cheema, Advocate,
for the petitioner in CRM-M-51702-2021.

Mr. Guninder Singh Brar, Advocate,
for the petitioner in CRM-M-42847-2021.

Mr. Bhrigu Dutt Sharma, Advocate,
for the petitioner in CRM-M-47109-2021.

Mr. H.S. Sidhu, Advocate for
Mr. Harvinder Singh Maan, Advocate,
for the petitioner in CRM-M-44696-2021.

Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioner in CRM-M-44715-2021.

Mr. Navkiran Singh, Advocate,
for the petitioner in CRM-M-44723-2021.

Mr. Preetinder Singh Ahluwalia, Advocate with
Mr. H.S. Randhawa, Advocate,
for the petitioner(s) in CRM-M-46330-2021 and
in CRM-M-46462-2021.

Mr. Kanwalvir Singh Kang, Advocate,
for the petitioner in CRM-M-50663-2021.

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.

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GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned nine petitions filed on behalf of Ravi Kapoor, Harpreet Singh son of Karnail Singh, Yogesh Kumar, Sukhdeep Singh, Gurmukh Singh, Dalip Kumar, Parminder Singh, Harpreet Singh son of Amrik Singh and Naveen Kumar seeking grant of anticipatory bail in a case registered against them 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, 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. The allegations in respect of each of the petitioners may be noticed briefly in the following manner :-

1. Ravi Kapoor [CRM-M-51702-2021]

1.	Posting	He is not posted in Punjabi University but is related to Nishu Chaudhary, being his brother-in-law (Jija).
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the petitioner been nominated?	Nominated on the basis of disclosure statement of co-accused Jatinder Singh.

4.	Whether beneficiary? If so, to what extent?	Yes. An amount of ₹ 19,98,200/- stated to be transferred from the University UGC and Non-UGC accounts to the bank account of petitioner in A/c No. 55141881998 of State Bank of India, as per account statement (Annexure R-9).
5.	Whether petitioner has deposited back any amount?	NIL
6.	Explanation furnished by petitioner for transfer of ₹ 19,98,200/- in his account.	That the money had been deposited in his account by Nishu Chaudhary who is related to him being his wife's real brother.

2. Harpreet Singh s/o Karnail Singh [CRM-M-42847-2021]

1.	Posting	Joined as Research Scholar in the year 2015. He had passed out in 2017 after obtaining degree of M.Phil (Physical Education) and had been receiving S.C. Scholarship while studying. In the year 2017, he had joined Ph.d. and is presently working as Physical Education Teacher at Amritsar on contractual basis.
2.	Whether named in the FIR?	Yes
3.	Whether beneficiary? If so, to what extent?	Yes. Initially, the allegations against the petitioner were to the effect that he had benefited to the tune of ₹ 17 lacs but now upon further inquiries, it is alleged that he had benefited to the tune of ₹ 80,38,246/- . The said amount of ₹80,38,246/- is stated to have been transferred from University funds i.e. UGC and Non-UGC accounts to the bank accounts of petitioner in A/c Nos. 65120036991 and 2025372653 of State Bank of India as well as Account No.2918101005115 of Canara Bank, as

		per account statement (Annexure R-10).
5.	Whether petitioner has deposited any amount?	₹ 3 lacs deposited, pursuant to directions issued by this Court on 8.10.2021.
6.	Explanation furnished by petitioner for transfer of ₹ 80,38,246/- in his account.	That he had earlier been studying in Punjabi University and had been getting scholarship and that the account in question had been opened by him at Bahadurgarh at the time when he was pursuing M.Phil from Punjabi University but he did not have any knowledge about the amounts credited in his account subsequently.

3. Yogesh Kumar [CRM-M-47109-2021]

1.	Posting	Posted as Clerk in RTI Cell of Punjabi University initially on contractual basis and later on ad hoc basis.
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the petitioner been nominated?	Nominated on the basis of letter dated 8.10.2021 sent by the Registrar, Punjabi University, Patiala wherein upon further inquiries, the University Authorities had come to know about the names of some more beneficiaries and also on the basis of disclosure statement of co-accused.
4.	Whether beneficiary? If so, to what extent?	Yes. An amount of ₹ 86,32,873/- is alleged to have been transferred from the University UGC and Non-UGC accounts to the bank account of petitioner i.e. A/c No. 6502472443 in State Bank of India, as per account statement (Annexure R-1).
5.	Whether petitioner has deposited any amount?	NIL

6.	Explanation furnished by petitioner for transfer of ₹ 86,32,873/-in his account.	That Nishu Chaudhary had represented to him that he has taken contracts in Himachal Pradesh and requested the petitioner to allow him (Nishu Chaudhary) to get some amounts credited in petitioner's account while giving him an allurements that he will get the services of the petitioner regularized.
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4. Sukhdeep Singh [CRM-M-44696-2021]

1.	Posting	Posted as Senior Clerk in Establishment Branch, Punjabi University.
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the petitioner been nominated?	Nominated on the basis of letter dated 8.10.2021 sent by the Registrar, Punjabi University, Patiala wherein upon further inquiries, the University Authorities had come to know about the names of some more beneficiaries and also on the basis of disclosure statement of co-accused.
4.	Whether beneficiary? If so, to what extent?	Yes. An amount of ₹ 2,11,800/- is alleged to have been transferred from the University UGC and Non-UGC accounts to the bank account of petitioner i.e. A/c No. 55154787355 in State Bank of India, as per account statement (Annexure R-8).
5.	Whether petitioner has deposited any amount?	NIL
6.	Explanation furnished by petitioner for transfer of ₹ 2,11,800/- in his account.	That the amount in question had been lent to him by Nishu Chaudhary as friendly loan which he had returned back.

5. Gurmukh Singh [CRM-M-44715-2021]

1.	Posting	Posted as Senior Assistant in SCBC Cell, Punjabi University.
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the petitioner been nominated?	Nominated on the basis of letter dated 8.10.2021 sent by the Registrar, Punjabi University, Patiala wherein upon further inquiries, the University Authorities had come to know about the names of some more beneficiaries and also on the basis of disclosure statement of co-accused.
4.	Whether beneficiary? If so, to what extent?	Yes. An amount of ₹ 5,91,000/- is alleged to have been transferred from the University UGC and Non-UGC accounts to the bank account of petitioner in A/c No. 55081552095 of State Bank of India, as per account statement (Annexure R-2).
5.	Whether petitioner has deposited any amount?	Pursuant to an offer made by the petitioner in the Court at the time of issuance of Notice of motion on 27.10.2021, he was directed to deposit an amount of ₹ 5 lacs before trial Court which he has deposited.
6.	Explanation furnished by petitioner for transfer of ₹ 5,91,000/- in his account.	That Nishu Chaudhary had represented to him that he is having some issues as regards his Income Tax and requested the petitioner to allow Nishu Chaudhary to deposit some amount in petitioner's account and that he would take back the same later.

6. Dalip Kumar [CRM-M-44723-2021]

1.	Posting	Posted as Senior Assistant in the office of Dean (Academic Affairs)
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the petitioner been nominated?	Nominated on the basis of letter dated 8.10.2021 sent by the Registrar, Punjabi University, Patiala wherein upon further inquiries, the University Authorities had come to know about the names of some more beneficiaries and also on the basis of disclosure statement of co-accused.
4.	Whether beneficiary? If so, to what extent?	Yes. An amount of ₹ 2,10,000/- is alleged to have been transferred from the University Non-UGC account to the bank account of petitioner i.e. A/c No. 55140271461 in State Bank of India, as per account statement (Annexure R-4).
5.	Whether petitioner has deposited any amount?	Pursuant to an offer made by the petitioner in the Court at the time of issuance of Notice of motion on 27.10.2021, he was directed to deposit an amount of ₹ 2 lacs before trial Court which he has deposited.
6.	Explanation furnished for transfer of ₹ 2,10,000/- in his account.	That he knew Nishu Chaudhary as a colleague and that when he (petitioner) was constructing a house, he had casually discussed with Nishu Chaudhary regarding requirement of an amount of ₹1,50,000/- and that Nishu Chaudhary had offered to help him and that on the very next day an amount of ₹2,10,000/- was deposited in his bank account and that when the petitioner asked Nishu Chaudhary about deposit of an excess

		amount of ₹60,000/- he replied that the excess amount be withdrawn and be returned to him.
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7. Parminder Singh [CRM-M-46330-2021]

1.	Posting	Posted as Senior Assistant in Legal Cell, Punjabi University.
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the petitioner been nominated?	Nominated on the basis of letter dated 8.10.2021 sent by the Registrar, Punjabi University, Patiala wherein upon further inquiries, the University Authorities had come to know about the names of some more beneficiaries and also on the basis of disclosure statement of co-accused.
4.	Whether beneficiary? If so, to what extent?	Yes. An amount of ₹ 15,87,800/- is alleged to have been transferred from the University UGC and Non-UGC accounts to the bank account of petitioner i.e. A/c No. 5581479125 in State Bank of India, as per account statement (Annexure R-7).
5.	Whether petitioner has deposited any amount?	Pursuant to an offer made by the petitioner in the Court at the time of issuance of Notice of motion on 3.11.2021, he was directed to deposit an amount of ₹ 15 lacs before trial Court which he has deposited.
6.	Explanation furnished for transfer of ₹ 15,87,800/- in his account.	That Nishu Chaudhary represented to him that he was away and requested him (petitioner) to allow him to get some payments credited in petitioner's account and that he would take back the same later.

8. Harpreet Singh s/o Amrik Singh [CRM-M-46462-2021]

1.	Posting	Posted as System Analyst in Department of Chemistry, Punjabi University.
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the petitioner been nominated?	Nominated on the basis of letter dated 8.10.2021 sent by the Registrar, Punjabi University, Patiala wherein upon further inquiries, the University Authorities had come to know about the names of some more beneficiaries and also on the basis of disclosure statement of co-accused.
4.	Whether beneficiary? If so, to what extent	Yes. An amount of ₹ 11,48,000/- is alleged to have been transferred from the University UGC account to the bank account of petitioner i.e. A/c No. 65006752010 in State Bank of India, as per account statement (Annexure R-5).
5.	Whether petitioner has deposited any amount?	Pursuant to an offer made by the petitioner in the Court at the time of issuance of Notice of motion on 3.11.2021, he was directed to deposit an amount of ₹ 11 lacs before trial Court which he has deposited.
6.	Explanation furnished for transfer of ₹ 11,48,000/- in his account.	That the amount was advanced to petitioner as loan by Nishu Chaudhary so as to enable the petitioner to purchase a plot.

9. Naveen Kumar [CRM-M-50663-2021]

1.	Posting	Posted as Clerk on contractual basis in the office of Dean (Academic Affairs)
2.	Whether named in the FIR?	No
3.	If not named in the FIR, then how has the	Nominated on the basis of letter dated 8.10.2021 sent by the Registrar, Punjabi University, Patiala

	petitioner been nominated?	wherein upon further inquiries, the University Authorities had come to know about the names of some more beneficiaries and also on the basis of disclosure statement of co-accused.
4.	Whether beneficiary? If so, to what extent?	Yes. An amount of ₹ 3,05,000/- is alleged to have been transferred from the University account to the bank account of petitioner i.e. A/c No. 55140144477 in State Bank of India, as per account statement (Annexure R-6).
5.	Whether petitioner has deposited any amount?	Pursuant to an offer made by the petitioner in the Court at the time of issuance of Notice of motion on 3.12.2021, he was directed to deposit an amount of ₹ 3.60 lacs before trial Court which he has deposited.
6.	Explanation furnished for transfer of ₹ 3,05,000/- in his account.	That one Nishu Chaudhary, working in the University had been extending loan to various staff members of the Punjabi University and that the petitioner had also taken loan from said Nishu Chaudhary, which was in the nature of a friendly loan.

6. It is, thus, the case of prosecution that Nishu Chaudhary, Jatinder Singh in connivance with other officials had prepared forged and fabricated bills and had got released huge amounts as scholarships and got them credited in the accounts of their known persons and from whom they subsequently used to get back some amount in cash.
7. The learned counsel for the petitioners have submitted that they all have suffered at the hands of their colleague Nishu Chaudhary who on the basis of

false representation had talked them into allowing him to get amounts deposited in their accounts and that Nishu Chaudhary used to ask them to withdraw the said amounts in cash and to give it to him. It has also been submitted that in case of some of the petitioners, who are low-paid employees of the University, he had extended loans which the innocent gullible employees had taken and in some cases had also returned back the same to Nishu Chaudhary. It has been submitted that the petitioners namely Gurmukh Singh, Dalip Kumar, Parminder Singh, Harpreet Singh son of Amrik Singh and Naveen Kumar in order to establish their bonafides had themselves offered to deposit the amounts allegedly credited in their accounts and that as per directions issued pursuant to their offers, the same stand deposited before the trial Court.

8. The learned counsel representing Harpreet Singh son of Karnail Singh has submitted that even if the allegations of the prosecution pertaining to deposit of huge amount in his bank account are taken to be correct, still it cannot be established that the same were within his knowledge and that the co-accused Nishu Chaudhary might have been misusing his account.
9. The learned State counsel in reply to aforesaid contention has, however, pointed out that apart from the fact that there have been huge deposits to the tune of more than ₹18 lacs in his account, the amounts in question had been deposited regularly in quick succession and in these circumstances the petitioner cannot feign ignorance about such frequent deposits inasmuch as apart from the notifications which banks normally send through SMS on mobile phone, the petitioner must have got his passbook updated on some occasion and would have come to know about the deposits.

10. The learned counsel representing Ravi Kapoor has submitted that he has been roped in the case simply to pressurize Nishu Chaudhary who happens to be brother-in-law of the petitioner. The learned counsel has further submitted that the petitioner, in any case, is willing to deposit the amount allegedly deposited in his account.
11. Opposing the aforesaid contention on behalf of Ravi Kapoor, the learned State counsel has submitted that the petitioner cannot claim any immunity on the ground that he happens to be brother-in-law of Nishu Chaudhary and that he could have deposited some amount in his account inasmuch as the amounts in question had not been deposited from the personal account of Nishu Chaudhary but from the bank account of the Punjabi University. It has further been submitted that the petitioner has been receiving the amounts in his account from 2016 to 2018 for which he has not furnished any justifiable explanation.
12. All the counsel have submitted that there are no allegations of cheating or forgery against them and that since all of them other than Ravi Kapoor and Harpreet Singh son of Karnail Singh are employed in government service, they cannot flee from justice and as such concession of anticipatory bail can safely be extended to them. It has also been submitted that the case of the prosecution is mainly based on documentary evidence and since in majority of the cases petitioners have also deposited the amount allegedly embezzled and have joined investigation, there is no occasion for custodial interrogation and that petitioners deserve to be granted anticipatory bail.

13. The learned State counsel, on the other hand, has submitted that it is a case where a colossal amount had been siphoned off from the coffers of University on the basis of forgery and fabrication and that to know about exact extent and volume of the misappropriation/embezzlement and to know as to who all are involved in the same, custodial interrogation of the petitioners are absolutely necessary as they have not been fully cooperating with the investigation. The learned State counsel while referring to Para 5 of its reply has pointed out that the amounts deposited in the accounts of the accused have been debited to the official bank accounts of the University, which is clearly reflected from bank account statements of accused. The details of accounts from which amounts have been debited is as follows :-

Sr. No.	Name of Account	Account Number
1.	UGC	55081436884
2.	Non-UGC	55081437129
3.	Special Endowment	55081436034
4.	U.G.C. Resource Mobilisation	65005896188

14. I have considered rival submissions addressed before this Court.
15. All the petitioners except Ravi Kapoor and Harpreet Singh son of Karnail Singh are employees of Punjabi University. While Harpreet Singh son of Karnail Singh was previously studying in the University and is presently working as Physical Education teacher at Amritsar on contractual basis, Ravi Kapoor is related to the main accused Nishu Chaudhary being his 'Jija' (sister's husband). The explanations put forth by petitioners that amounts in

question had been advanced as friendly loans or that they upon request of main accused namely Nishu Chaudhary, they permitted him to use their accounts is not plausible as no prudent man would either advance huge loans to various persons without any documentation and nor any prudent man who is in government service would allow anybody else to effect transactions of huge amount in his bank account inviting problems for himself, particularly qua tax liability. There is documentary evidence against all the accused as regards they having benefited of huge amounts ranging from ₹ 2 lacs to ₹ 90 lacs which stands substantiated from the bank account statements which have been collected by the Investigating agency. In order to know about the exact extent of misappropriation/embezzlement and the manner in which the same was committed, the custodial interrogation of the petitioners would certainly be required. And one cannot lose sight of the fact that the amount misappropriated is the amount which was to be used for extending benefits to the needy and deserving students as scholarships including benefits to the scheduled castes and scheduled communities who all stands deprived of the huge amount which could have been used for their betterment and benefit. In these circumstances, this Court does not find any special case for grant of anticipatory bail.

16. The petitions are sans merit and are hereby dismissed.

23.12.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No