

CRM-M-10406-2022 (O&M)

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

**CRM-M-10406-2022 (O&M).
Decided on: March 11, 2022.**

Anuj Kumar Sharma

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Jaivir Yadav, Sr. Advocate, with
 Ms.Pooja, Advocate,
 for the petitioner.**

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for the grant of anticipatory bail in FIR No.36 dated 8.2.2022, under Sections 420, 467, 468, 471 and 120-B IPC and under Section 52 of the Disaster Management Act, 2005, registered at Police Station DLF Phase3, Gurugram, District Gurugram, Haryana.

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As per the FIR, on 8.2.2022, a secret information was received by CM Flying Squad that there is a nexus of people who fabricate the Covid test reports by charging extra money and during Covid – 19 Pandemic, they were making fool of the public. Keeping in view the same, the Civil Surgeon, Gurugram was informed about the same by the CM Flying Squad and Civil Surgeon, Gurugram, constituted a team of Dr.Naman, Medical Officer, Civil Surgeon Office, Gurugram, Dr. Ram Prakash Rai, District Epidemiologist IDSP, Civil Surgeon Office, Gurugram and Mr.Mandeep Mann, Drugs Control Officer, Gurugram. The information was shared by the CM Flying Squad members and the team including the members of the CM Flying Squad, as per the information, planned a raid and a decoy was sent to M/s Good Health Diagnostic Center, NR 24, Ground Floor DLF Phase 3, Near Neel Kanth Hospital, District Gurugram, a collection Center of SRL Diagnostics. The decoy named ASI Ashok Kumar who is in the CM Flying Squad went on 7.2.2022 to the Laboratory where he asked the person present at the spot that he wants to go on leave and wants leave from the office and hence, needs a Covid positive test report. The person at the laboratory asked him to transfer Rs.2,000/- in the account No.203868221097 of HDFC Bank, with IFSC Code 0002853 in the name of Anuj Kumar Sharma (**petitioner**). Thereafter, ASI Ashok Kumar transferred the amount of Rs.2,000/- in the account provided through UPI app through Mr.Parvesh Sharma as money was asked by Mr.Anuj Kumar Sharma (petitioner) only to be deposited in the given account via UPI app.

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ASI Ashok Kumar was not able to transfer the amount through UPI App, so he requested Mr.Parvesh Sharma to transfer Rs.2,000/- in the above mentioned account at the same time. Thereafter, ASI Ashok Kumar provided Mr.Parvesh Sharma mobile No.8447142823 to Mr.Anuj Kumar Sharma (**petitioner**) for providing the RTPCR report on this number through Whatsapp as ASI Ashok Kumar's mobile number was unreachable. Thereafter, said person told ASI Ashok Kumar that he will provide Covid positive test report tomorrow on the Whatsapp number 8447142823. Thereafter, on 8.2.2022, Anju Kumar Sharma (**petitioner**) sent a Covid positive test report of ASI Ashok Kumar on Whatsapp from his mobile no.9811917347 to his above number 8447142823 and after getting Covid positive test report, ASI Ashok Kumar checked the particulars in the report and found that his age in the report was written as 24 years instead of 44 years and he again contacted Mr.Anuj Kumar Sharma (**petitioner**) and told him about the discrepancy in the report and in reply to the same, the petitioner told him that he will provide revised report mentioning correct age and Aadhar number within an hour and then again at about 12:12 PM, petitioner Anuj Kumar Sharma sent another report on the above given mobile number by correcting the age of Ashok Kumar and also by adding his Aadhar number. Thereafter, decoy ASI Ashok Kumar informed the team about the report and the team raided the premises. One Vaishali and Sanjeev were found present and the team asked about the owner/manager who is the petitioner Anuj Kumar Sharma and he told the team that he is away and not

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present on the spot. Thereafter, thorough search of the said premises was done by the team and two Covid positive test reports of ASI Ashok Kumar copies of which were sent on Whatsapp number 8447142823 were found kept on the front desk which were acquired by the team. Apart from the same, the petitioner was also overcharging for RTPCR testing. The Covid positive test reports were made without taking the RTPCR sample and without conducting test as it was provided to ASI Ashok Kumar at the collection Center. As upon scanning of the QR code, it had been found that the original report is issued to the patient named Susana Munda, Mr.Sanjeev informed to the team that petitioner Anuj Kumar Sharma, use to alter the report and provide fabricated reports through PDF writer. A mobile was found in the possession of Mr.Sanjeev which was checked by the team and it was revealed that petitioner Anuj Kumar Sharma is habitual and has been doing this practice of generating such false Covid positive test reports. Three such reports of Harshad Jain, Kamini Jain and Arnav Jain whose reports were generated as negative and on scanning of the QR code, it was found that the original sampling and reporting date was 19.10.2021 and false and fabricated report was generated. The equipment i.e. the laptop used to generate the test report, printer, two fake Covid positive test reports issued to ASI Ashok Kumar and other reports weres confiscated.

Learned senior counsel assisted by Ms.Pooja, Advocate, for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that at the most offence under Section 52 of the Disaster Management Act, may be made out which is bailable and the

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petitioner, who is the owner of the Diagnostic Laboratory, cannot be held vicariously liable for any illegality committed by his employees, if any. He submitted that implication of the petitioner is based upon the disclosure statement of the co-accused which is inadmissible in evidence. He has therefore, prayed for the grant of anticipatory bail to the petitioner.

On the other hand, learned State counsel has submitted that he has received an advance copy of the present petition and he has also sought instructions from the concerned investigating officer. He submitted that it is a case where a raid was conducted after a secret information was received from the CM Flying Squad and the Civil Surgeon, District Gurugram, constituted a team of officers and a trap was also laid and a raid was conducted on the spot where some of the false and fabricated reports were found. He further submitted that in such like situation for the purpose of elicitation of truth the custodial investigation of the petitioner is required to know as to in how many cases, he has earlier also made false and fabricated Covid test reports.

I have heard the learned counsel for the parties.

The allegations on the face of it seem to be not only serious but also having high magnitude. It is not a case that one person was affected by the action of the petitioner but it appears that large number of people were affected with regard to the false and fabricated reports. When this country and the entire world was facing the Covid 19 Pandemic, there were many organizations which helped selflessly to the humanity. However, in the present case, the allegations against the petitioner were that his

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Diagnostic Laboratory was preparing false and fabricated Covid test reports. This Court does not want to comment anything on the merits of the case but considering the nature and gravity of the allegations, does not deem it fit and proper to grant the anticipatory bail to the petitioner. Consequently the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

March 11, 2022.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No