

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

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**CRM-M-11666-2021 (O&M)
Reserved on : 28.04.2022
Pronounced on: 17.05.2022**

DESH BHAGAT UNIVERSITY

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Preeti Manderna, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

Mr. Monty Goyal, Advocate
for respondents No.2 and 3.

HARNARESH SINGH GILL, J. (ORAL)

By way of the instant petition, the petitioner seeks cancellation of anticipatory bail granted to respondents No.2 and 3 vide order dated 15.01.2020 in case bearing FIR No.95 dated 13.07.2019, registered under Sections 420, 461, 468, 469, 470, 471 and 120-B IPC, at Police Station Amloh, District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner submits that, while granting anticipatory bail to respondents No.2 and 3, this Court has not taken into consideration the material aspect of the matter i.e. said respondents had possessed fake certificates of the petitioner-University and despite the fact that they had been called to office of the University, they failed to do so,

which clearly establishes the guilt on their part; that the said respondents had brought defamation and bad repute to the University and the FIR was registered only after thorough investigation, wherein it was found that the petitioners had actively participated in the crime. She further submits that respondents No.2 and 3 have committed serious offence and keeping in view the severity of punishment, the chances of their interfering with the course of investigation; threatening the witnesses and/or fleeing the country, cannot be ruled out. Still further, it is submitted that Vikas Thakur is not the employee of the petitioner-University, but is an employee of Macro Global Immigration Education Consultants, which shows that fake certificates have been prepared by respondents No.2 and 3 themselves.

In support of her contentions, learned counsel for the petitioner relies upon the judgments of the Hon'ble Apex Court in Kalyan Chandra Sarkar vs Rajesh Ranjan @ Pappu Yadav and another, 2004 (7) SCC 528 and Abdul Basit @ Raju and others vs Mohd. Abdul Kadir Chaudhary and another, 2015 (1) SCC (Criminal) 257.

Per contra, learned counsel for respondents No.2 and 3 submits that the present petition has been filed after a period of one year and two months of the grant of anticipatory bail to respondents No.2 and 3; that the concession of bail has not been misused by respondents No.2 and 3 and that even after grant of interim bail, respondents No.2 and 3 appeared before the Investigating Agency and thereafter the interim bail was made absolute. He further submits that co-accused, namely, Vikas Thakur was arrested and later on interrogated and he is now on regular bail. Still further, it is submitted that now, at this stage, when challan has already been presented and charges have

been framed, no ground is made out to cancel the bail, especially when there is no allegation of misusing the concession of anticipatory bail granted to respondents No.2 and 3.

I have heard the learned counsel for the parties.

There is no allegation of misusing the concession of anticipatory bail granted to respondents No.2 and 3; post completion of the investigation, challan has already been presented and even charges have also been framed and that the investigating agency has already taken into possession the passports of respondents No.2 and 3 and trial has also commenced. Thus, no case to cancel the anticipatory bail to respondents No.2 and 3, is made out.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

17.05.2022

Aman Jain

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No