

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-50667-2022 (O&M)
Date of Decision:- 09.03.2023

Jatinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Fariad Singh Virk, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.155 dated 01.08.2021 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. In the case of prosecution that an amount of Rs.32,34,819/- had been deposited in the account of petitioner from the official bank accounts of University i.e. UGC & Non-UGC accounts on the basis of documents prepared and forged by petitioner Jatinder Singh and that as per report of Handwriting Expert, the forged signatures had been affixed by the petitioner.

6. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is no evidence worth credence to connect him with the alleged fraud. It has further been submitted that it is the co-accused Nishu Choudhary, who is the main accused and who is responsible for the alleged fraud and that since the said Nishu Choudhary as well as several other accused had been granted bail vide order dated 27.1.2023 passed in CRM-M-2254-2022, the petitioner also deserves the same concession on the grounds of parity.
7. Opposing the petition, learned State counsel has submitted that having regard to the fact that the petitioner is specifically named in the FIR and it has been found that an amount of more than Rs.32 lakhs was credited in his bank account, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last more than 1 year and 5 months and is not involved in any other case.
8. This Court has considered the rival submissions.
9. There indeed are specific allegations against the petitioner and during investigation it has been found that he had connived with co-accused and a substantial amount had been deposited in his bank account. However, the petitioner has been behind bars for a substantial period of more than 1 year and 5 months. Almost all other co-accused including the main accused Nishu Choudhary have already been granted bail by this Court. Petitioner otherwise is not involved in any other case. Conclusion of trial is likely to consume time inasmuch as

none out of the cited 45 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.03.2023

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(GURVINDER SINGH GILL)
JUDGE

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