

CRM-M-1775-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1775-2024
Reserved on: 14.02.2024
Pronounced on : 26.02.2024

PKS Bhardwaj @ Parveen Kumar Sharma Bhardwaj ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	08.12.2023	Economic Offence Wing, Punjab Vigilance Bureau, District Ludhiana	420, 465, 466, 468, 471, 120-B IPC and Sections 7, 7A, 8, 13(1)(a) r/w 13(2) of Prevention of corruption Act 1988 (Sections 409 & 467 IPC added later on)

1. The petitioner, who has undergone 01 month & 22 days in custody, in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.
2. On 18.01.2024, when the matter was listed for first time, this Court asked the State to file response. Thereafter on 29.01.2024, when reply was filed on behalf of the State, then after considering the nature of allegations, period of custody and other factors, this Court granted interim bail and one of the reason of granting bail was that the petitioner had voluntarily agreed to declare his as well as assets of his wife, which was mentioned in para 18 of the bail order.
3. Prosecution’s case is being taken from the reply dated 25.01.2024, which reads as follows:-

2. That the present case (FIR no. 17 Dated 08.12.2023 under sections 420, 465, 466, 468, 471, 120-B IPC, later on added sections 409, 467 IPC and sections 7, 7-A, 8, 13(1)A Read With 13(2) of the P.C. Act 1988, Police Station E.O. Wing, Ludhiana. Annexure P-1) has been registered against the Present Petitioner, Dr. Tejbir Singh Ex- Registrar Punjab Pharmacy

Council and Ashok Kumar Accountant now Superintendent Punjab Pharmacy Council Medical Education Bhawan Sec.69, SAS Nagar as per the vigilance inquiry no. 04 dated 26.08.2019 conducted by Vigilance Bureau, EOW S.A.S Nagar on the basis of complaint made by Swaranjit Singh Convener Para Medical and Health Employees Front, Punjab. During enquiry, it has transpired that if any student wants to take admission in another Education Board, then he/she is required to submit his migration certificate issued by his previous Education Board. It is the duty of the Registrar, Punjab State Pharmacy Council to verify certificates of the students taking admission in courses of Diploma in Pharmacy, B-Pharma, M-Pharma and to register them for different works. If any student wants to do Pharmacist course, then he has to pass 10+2 class in medical or non-medical stream. There are 105 Pharmacy Colleges functioning in the State of Punjab. At the time of counseling, all the seats in government colleges used to be filled whereas the seats in private colleges remains vacant and as per the directions of the government, the private colleges used to fill these seats at their own level. In order to fill these seats, private colleges used to get 10+2 medical/non-medical stream certificates of students from the outer states without any examination despite the fact that these courses are regular courses, which have to be passed by attending regular classes. Thereafter, the Registrar of Punjab Pharmacy Council and other officials issued registration numbers to the students without verifying their 10+2 certificates and in lieu there of, they obtained huge amounts as illegal gratification.

3. That On the basis of the said registration numbers, students had obtained jobs in different institutions and also run their medical shops. During his tenure as Registrar, Punjab Pharmacy Council, the Present Petitioner Parveen Kumar Bhardwaj committed various irregularities and hence, his services were terminated, but he was again appointed as Registrar on 24.12.2013. The record of 453 Pharmacists has been verified from Medical College Amritsar, Medical College Faridkot and Medical College Patiala. There are irregularities in the reports submitted by Medical College Amritsar and Medical College Faridkot. Not only this, the certificates of 143 students were found to be fake, but no appropriate action was taken against these students. Dr. Abhininder Singh Thind (now died), Dr. Tejbir Singh (co-accused) and the Present Petitioner Parveen Kumar Bhardwaj have violated the rules of Punjab State Pharmacy Council during their respective tenures as they, in connivance with

Pharmacy Colleges, did not verify the 10+2 certificates of the students which were issued by unapproved boards. The Pharmacists who obtained licenses on the basis of forged certificates are playing with the health of general public.

4. That during Investigation of the case it has transpired that 7652 registrations of D-Pharmacy were made during the tenure of petitioner and registration certificates were also issued under the signatures of the present petitioner being Registrar Punjab Pharmacy Council and as per the initial investigation, it is found so far that number of Registration certificates have been issued by him on the basis of Forged and fabricated Diploma Certificates as well as 10 + 2 certificates. Apart from the said registrations, more registrations were made by the Present Petitioner on the basis of Diploma Certificates allegedly issued by Bihar college of Pharmacy. As per the verification made from Bihar College of Pharmacy with regard to the available record of 36 registrations, it was intimated by Bihar College of Pharmacy vide separate letters that no student was either admitted or passed Diploma in Pharmacy from this college and the entire documents are forged, fabricated and bogus. It was also written in the said letter that Mr. PK Bhardwaj Ex-Registrar Punjab State Pharmacy Council was indulged in this Malpractice and is the Kingpin of false registration of Pharmasists in the nation in association with other forged persons from Bihar and Punjab. Copies of Letters are attached herewith as Annexure R-1. During Investigation 65 Pharmacists 24 have been nominated as accused out of which 9 pharmacists have been arrested.

5. That during Investigation the owners/principals of various colleges have been nominated as accused in this case due to the issuance of forged and fabricated Diploma Certificates as well as 10 + 2 Cerificates allegedly issued by different school education boards. During the course of Investigation accused Rama Kaudi concerned Principal of Punjab Multipurpose medical Institute Sehna, accused Baljinder Singh Bajwa concerned principal of Lala Lajpat Rai college of Pharmacy Moga, accused Dr. Gurpreet Singh Gill owner and accused Sarbjit Singh Brar the concerned Principal of Aadesh Institute of Medical Science and Research Bathinda have been arrested in this case.

6. That the plea taken by the present petitioner regarding his false Implication in the present case or registration of false case against him is wrong and the same is denied because the present case has been registered after detailed enquiry and the Present Petitioner has played

an active role in the entire crime right from the beginning. This is case of big scam being run by the accused persons in connivance of one another and it is yet to be exposed in its entirety, therefore the present petitioner is not entitled to the concession of bail.

4. I have heard Dr. Anmol Rattan Sidhu, Sr. Advocate and State counsel Ms. Swati Batra, DAG, Punjab and also gone through the record. Its analysis would lead to the following outcome.
5. Petitioner’s custodial interrogation is already over and he has been in judicial custody for 01 month & 22 days. Given the period of custody undergone viz-a-viz the allegations and the time gap when the alleged offence was committed, would not call for further pre-trial incarceration. In addition to that the petitioner claims to be whistle blower and had taken imminent action on receiving the complaint and also recommended action, which is evident from the documents annexed as Annexures P-9 & P-10.
6. In the entirety of facts and circumstances of the case, petitioner makes out a case for bail and further pre-trial incarceration is not justiciable.
7. Given above, **Petition is allowed.** Interim order dated 29.01.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

26.02.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.