

CRM-M-2462-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2462-2024
Reserved on: 14.02.2024
Pronounced on : 26.02.2024

Dr. Tejbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Cheema, Sr. Advocate with
Mr. H.S. Oberoi, Advocate and
Ms. Sumanjit Kaur, 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 & 17 days in custody, in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.
2. On 24.01.2024, when the matter was listed for first time, this Court after considering the nature of allegations, period of custody and other factors, had granted interim bail, which is continuing till date. On 06.02.2024, reply on behalf of the State was filed.
3. Petitioner’s counsel submits that petitioner was Director, Medical Education and Research Punjab in the year 2013 and was given additional charge of Registrar, Punjab State Pharmacy Council vide order dated 12.07.2013 and remained on said post from 23.08.2013 to 24.12.2013. He further submits that in addition to that, it remains doubtful that who was supposed to authenticate 10+2 certificates in the absence of foolproof system. It would be almost impossible for the petitioner to physically verify the correctness of certificates.

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4. Prosecution's case is being taken from the reply dated 02.02.2024, 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, PKS Bhardwaj Parveen Kumar Sharma 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 thereof, 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, 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), the Present Petitioner Dr. Tejbir Singh, Parveen Kumar Bhardwaj (co-accused) 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 702 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, Present Petitioner issued registration certificates on the basis of false 10 + 2 certificates to pharmacists Deepak Kumar s/o veerbhaan Dhal and Milakh Raj s / O Hari Chand who are nominated in this case. Whose registration certificates and statements are attached as Annexure R-1. 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. During Investigation 65 Pharmacists 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 certificates 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 and 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

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another and it is yet to be exposed in its entirety, therefore the present Petitioner is not entitled to the concession of Bail.

7. That it is submitted that in this case the present petitioner is released on bail, he can abscond to avoid the trial or can influence the prosecution witnesses, therefore the present petitioner is liable to be dismissed.”

5. I have heard counsel for the parties and gone through the record.

6. Petitioner’s custodial interrogation is already over and he has been in judicial custody for 01 month & 17 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.

7. 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.

8. Given above, **Petition is allowed.** Interim order dated 24.01.2024, is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

26.02.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.