

CRM-M-4556-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4556-2024
Reserved on: 14.02.2024
Pronounced on : 26.02.2024

Gurpreet Singh Gill ...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 12 days in custody, in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.
2. On 29.01.2024, when the matter was listed for first time, this Court asked the State to file reply and after considering the nature of allegations and other factors, this Court granted interim bail, which is continuing till date.
3. Mr. R.S. Cheema, had handed over a written note mentioning the process of admission which is reproduced as follows:-
- “1. Process of admission of students to the D. Pharmacy course in the institutions offering diploma Pharmacy.
- a) An eligible student is required to have passed 10 + 2 examination from one of the recognize institutions apart from fulfilling other conditions.
- b) The 10 +2 examination must have been passed in medical/non-medical streams.
2. The students aspiring to take the course send their respective applications to the State Board of Technical Education, Chandigarh

(hereinafter referred to as 'the Board'), where after following due procedure and the counseling process, the students are selected for the course. Among the selected students, allocation is made to various private recognized institutions.

3. If some seats in the private Pharmacy institutions remained unfulfilled, the concerned institute is permitted to provisionally admit the eligible students after verification of the mandatory testimonials. The cases of such provisionally admitted students are required to be forwarded to the Board. The Board verifies each case and after approval of the Board, the admission is regularized by the private institution.

Note: At the stage of admission, Punjab Pharmacy Council (hereinafter after referred to as 'the Council') does not come into the picture at all.

4. Mr. Cheema had argued that petitioner had done Masters Degree in Surgery in the year 2009 and he had no concern with the affairs of the institute and had joined the faculty in Adesh Institute w.e.f. 01.01.2010 and referred to Annexure P-2/49 to corroborate the same. Petitioner's counsel next argument is that three students who had attributed wrong doings, were admitted in the D. Pharmacy Course in Adesh Institute before the petitioner had joined the said institute, as such, he cannot be held responsible for the same. Petitioner's next argument is that petitioner had to undergo major brain surgery and in this regard he refers to page 93 of the petition.

5. Prosecution's case is being taken from the reply dated 05.02.2024, 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 Vigilance Bureau, E.O.Wing, Ludhiana. Annexure P-1) has been registered against PKS Sharma Bhardwaj Ex-Registrar Punjab Pharmacy Council, 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 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 the tenure of PKS Bhardwaj as Registrar (PPC) many irregularities were found and was terminated from services was re-instated at same post 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 and 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 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, and the present petitioner accused Dr. Gurpreet Singh Gill owner and accused

Sarbjit Singh Brar the then Principal of Aadesh Institute of Medical Science and Research Bathinda have been arrested in this case.

5. That during the investigation, statements of three students who did D. Pharmacy Course from Adesh Institute of Medical Science and Research Bathinda owned by the present petitioner have been recorded and it has been found that they did not complete the course regularly i.e. by attending the classes, rather they gave money to the owner/ present petitioner and Principal of the said college in order to get the certificates.

6. That the allegations against the petitioner are serious in nature. The FIR has been registered after a detailed inquiry and even after registration of the FIR, the case is being investigated by the Investigating Agency thoroughly and the petitioner has played an active role in entire crime. There are specific statements of the students against the petitioner with regard to payment of the money. It is a case of big scam being run by the accused persons in connivance of one another. In view of the gravity of the offence, the custody period of the petitioner and the plea of medical condition of the petitioner at this stage does not come to his help in view of the nature of the allegations and the wide ramifications of the offence involved, therefore the present petitioner is not entitled to the concession of bail.”

6. I have heard Mr. R.S. Cheema, Sr. Advocate and State counsel Ms. Swati Batra, DAG, Punjab and also gone through the record. Its analysis would lead to the following outcome.

7. Although the petitioner’s custody is only 12 days in the present case and similarly placed co-accused-PKS Bhardwaj has undergone 01 month & 22 days, but this is not a ground to deny bail and send him back to custody. This Court is not imposing sentence where the term of sentence must be proportionate and equal to similarly placed accused. In fact this Court is only adjudicating the bail applications where the parameters are entirely different. Petitioner practically owns a big medical college i.e. Adesh Institute of Medical Sciences & Research, Barnala Road, Bathinda and there is no allegation that the petitioner took money after issuance of certificate by the Director Principal of said Institute . As far as the allegations made by the students, who claimed to have paid money to Gill, cannot be attributed straightway to the petitioner who had also surname of Gill. However this allegation is subject to identification in Court or test identification if identification is carried out.

8. Petitioner’s custodial interrogation is already over and he has been in judicial

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custody for 12 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 is owner of the institute, whatever wrong doing was there that was at the level of administration of the institute i.e. by Registrar or Principal etc.

9. 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.

10. 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
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Whether speaking/reasoned:	Yes
Whether reportable:	No.