

CRM-M-7136-2024
Decided on: 20.02.2024

Maninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep S. Majithia, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, 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, 7-A, 8 & 13(1)(a) r/w 13(2) of Prevention of Corruption Act 1988 (Section 409 & 467 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking bail.
2. As per custody certificate dated 19.02.2024, petitioner has no criminal history.
3. Petitioner's counsel submits that co-accused Parveen Kumar Sharma Bhardwaj, has already been granted interim bail vide order dated 29.01.2024 passed in CRM-M-1775-2024. He further prays for bail by imposing any stringent conditions and is also voluntarily agreeable to the condition that till the conclusion of the trial before the trial court, the petitioner shall keep only one mobile number, which is mentioned in AADHAR card, and within fifteen days of release from prison undertakes to disconnect all other mobile numbers. The petitioner contends that the further pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Facts of the case have been taken from the reply dated 16.02.2024, which reads as follows:-

“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 Ashok Kumar Accountant (now Superintendent), Dr. Tejbir Singh Ex-Registrar Punjab Pharmacy Council and PKS Bhardwaj Parveen Kumar Sharma Ex-Registrar Punjab Pharmacy Council 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, 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 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 of the case it has transpired that 7652

registrations of D-Pharmacy were made during the tenure of Parveen Kumar Bhardwaj the then Registrar and registration certificates were also issued under his signatures 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 Parveen Kumar Bhardwaj 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.

5. That during Investigation 65 Pharmacists have been nominated as accused out of which 9 pharmacists have been arrested including the Present Petitioner Maninder Singh. During the vigilance enquiry no. 04 dated 26.08.2019 conducted by Vigilance Bureau, EOW S.A.S Nagar. The Present Petitioner Maninder Singh and other co-accused recorded their Statements and admitted they got the 10+2 certificates and D-Pharmacy diploma in illegal and fraudulent manner by bribing various persons at the relevant time. Hence, they have been nominated as an accused in this case. According to the statement of the Present Petitioner Maninder Singh passed Matriculation from CBSE Board during 2006, He prepared 10+2 Certificate with Medical subject of M.P. Board fraudulently with the connivance of owner of Lala Lajpat Rai College of Pharmacy Moga (Co-accused) in 2009. During Investigation above said M.P. Board was found illegal in the report of Council of Boards of School Education (COBSE). After this Lala Lajpat Rai college of Pharmacy Moga admitted this Petitioner as Pharmacy Student and helped him to passed Pharmacy Diploma in 2011. Thereafter, the **Present Petitioner** Maninder Singh registered himself with the Punjab State Pharmacy of Council as registered Pharmacist.

6. 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.

7. 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.”

5. Counsel for the State opposes the bail.

6. As per paragraph 7 of the bail petition, the petitioner is in custody since 12.12.2023. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. In *Sanjay Chandra v. Central Bureau of Investigation*, (2012) 1 SCC 40, Supreme Court holds,

[28] We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardize the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.

8. The possibility of the accused influencing the investigation, tampering with evidence, intimidating witnesses, and the likelihood of fleeing justice, can be taken care of by imposing elaborate and stringent conditions. In *Sushila Aggarwal v. State (NCT of Delhi)*, **2020:INSC:106 [Para 92]**, (2020) 5 SCC 1, Para 92, the Constitutional Bench held that unusually, subject to the evidence produced, the Courts can impose restrictive conditions.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

10. In Madhu Tanwar v. State of Punjab, **2023:PHHC:077618 [Para 10, 21]**, CRM-M-27097-2023, decided on 29-05-2023, this court observed,

[10] The exponential growth in technology and artificial intelligence has transformed identification techniques remarkably. Voice, gait, and facial recognition are incredibly sophisticated and pervasive. Impersonation, as we know it traditionally, has virtually become impossible. Thus, the remedy lies that whenever a judge or an officer believes that the accused might be a flight risk or has a history of fleeing from justice, then in such cases, appropriate conditions can be inserted that all the expenditure that shall be incurred to trace them, shall be recovered from such person, and the State shall have a lien over their assets to make good the loss.

[21] In this era when the knowledge revolution has just begun, to keep pace with exponential and unimaginable changes the technology has brought to human lives, it is only fitting that the dependence of the accused on surety is minimized by giving alternative options. Furthermore, there should be no insistence to provide permanent addresses when people either do not have permanent abodes or intend to re-locate.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, in the following terms:

(a). Petitioner to furnish personal bond of Rs. Ten thousand (INR 10,000/-); AND

(b) To give one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the concerned court, and in case of non-availability, to any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned officer/court must satisfy that if the accused fails to appear in court, then such surety can produce the accused before the court.

OR

(b). Petitioner to hand over to the concerned court a fixed deposit for Rs. Ten thousand only (INR 10,000/-), with the clause of automatic renewal of the principal and the interest reverting to the linked account, made in favor of the 'Chief Judicial Magistrate' of the concerned district, or blocking the aforesaid amount in favour of the concerned 'Chief Judicial Magistrate'. Said fixed deposit or blocking funds can be from any of the banks where the stake of the State is more than 50% or from any of the well-established and stable private sector banks. In case the bankers are not willing to make a Fixed Deposit in such eventuality it shall be

permissible for the petitioner to prepare an account payee demand draft favouring concerned Chief Judicial Magistrate for the similar amount.

(c). Such court shall have a lien over the funds until the case's closure or discharged by substitution, or up to the expiry of the period mentioned under S. 437-A CrPC, 1973, and at that stage, subject to the proceedings under S. 446 CrPC, the entire amount of fixed deposit, less taxes if any, shall be endorsed/returned to the depositor.

(d). The petitioner is to also execute a bond for attendance in the concerned court(s) as and when asked to do so. The presentation of the personal bond shall be deemed acceptance of the declarations made in the bail petition and all other stipulations, terms, and conditions of section 438(2) of the Code of Criminal Procedure, 1973, and of this bail order.

(e). While furnishing personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number, (If available), when the court attesting the bonds, thinks appropriate or considers the accused as a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

13. Petitioner to comply with their undertaking made in the bail petition, made before this court through counsel as reflected at the beginning of this order. If the petitioner fails to comply with any of such undertakings, then on this ground alone, the bail might be canceled, and the victim/complainant may file any such application for the cancellation of bail, and the State shall file the said application.

14. The petitioner is directed not to keep more than one prepaid SIM, i.e., one pre-paid mobile phone number, till the conclusion of the trial; however, this restriction is only on prepaid SIMs [mobile numbers] and not on post-paid connections or landline

numbers. The petitioner must comply with this condition within fifteen days of release from prison. The concerned DySP shall also direct all the telecom service providers to deactivate all prepaid SIM cards and prepaid mobile numbers issued to the petitioner, except the one that is mentioned as the primary number/ default number linked with the AADHAAR card and further that till the no objection from the concerned SHO, the mobile service providers shall not issue second pre-paid SIM/ mobile number in the petitioner's name. Since, as on date, in India, there are only four prominent mobile service providers, namely BSNL, Airtel, Vodafone-Idea, and Reliance Jio, any other telecom service provider are directed to comply with the directions of the concerned Superintendent of Police/Commissioner of Police, issued in this regard and disable all prepaid mobile phone numbers issued in the name of the petitioner, except the main number/default number linked with AADHAR, by taking such information from the petitioner's AADHAR details or any other source, for which they shall be legally entitled by this order. This condition shall continue till the completion of the trial or closure of the case, whichever is earlier. In Vernon v. The State of Maharashtra, **2023 INSC 655**, [para 45], while granting bail under Unlawful Activities (Prevention) Act, 2002, Supreme Court had directed imposition of the similar condition, which reads as follows, "(d) Both the appellants shall use only one Mobile Phone each, during the time they remain on bail and shall inform the Investigating Officer of the NIA, their respective mobile numbers."

15. During the trial's pendency, if the petitioner repeats or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not canceled due to non-appearance or breach of conditions.

16. The conditions mentioned above imposed by this Court are to endeavour that the accused tries to reform, does not repeat the offence and to provide a sense of security to the victim. In Mohammed Zubair v. State of NCT of Delhi, **2022:INSC:735 [Para 28]**, Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While

doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

17. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

18. If the petitioner finds bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioner may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

19. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

20. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior.

21. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

20.02.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.