

102

CRM-M-14419-2024
Decided on: 03.04.2024

Ashok Kumar...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	08.12.2023	Economic Offences Wing/Branch, Punjab Vigilance Bureau, Ludhiana	420, 465, 466, 467, 409, 468, 471, 120B IPC (Sections 7, 7A, 8 & 13(1)(A) r/w/ 13(2) of PC Act added later on)

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 20.03.2024, this Court had granted interim bail to the petitioner and the said order is continuing till date.
3. Petitioner’s counsel seeks bail on parity with co-accused Pawan Kumar and Sanjay Singla, who were granted bail by this Court vide order(s) dated 06.03.2024 passed in CRM-M-8868-2024 and CRM-M-7774-2024 respectively. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Reply by way of affidavit has been handed over by the State and the same is taken on record. By making reference to the said reply, counsel for the State opposes the bail.
5. Prosecution’s case is being taken from the reply dated 02.04.2024, 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 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 remain 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), 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 this 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 Pharmacists in the nation in association with other forged persons from Bihar and Punjab.

5. That during Investigation 65 Pharmacists who were examined during vigilance enquiry no. 04 dated 26.08.2019 conducted by Vigilance Bureau, EOW S.A.S Nagar. Later on, above 65 Pharmacists has been nominated as accused dated 12.12.2023. Out of which 09 pharmacists have been arrested. During the vigilance enquiry no. 04 dated 26.08.2019 conducted by Vigilance Bureau, EOW S.A.S Nagar, 11 Pharmacists out of 65 Pharmacists were examined, who recorded their Statements and admitted that they got the 10 + 2 certificates and D-Pharmacy diploma in illegal and fraudulent manner by bribing Owner/Principal of Onkar College of Pharmacy Sajuma Sunam at the relevant time. Two of the Pharmacists namely Mohammad Rafi and Ravinder Sharma recorded their statements that they gave 80,000 Rs. to the Present Petitioner Ashok Kumar and Navneet Sharma Principal for 10 + 2 certificate and D-Pharmacy diploma in illegal and fraudulent manner. Whose translated statements are attached as Annexure R - 1 / T Hence, the Present Petitioner Ashok Kumar has been nominated as an accused in this case on 15.01.2024. The Present Petitioner Ashok Kumar who was the owner of Onkar College of Pharmacy Sajuma Sunam.

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 certificates allegedly issued by different school education boards. During the course of Investigation accused Rama Kodi concerned Principal of Punjab Multipurpose medical Institute Sehna, accused Baljinder Singh Bajwa concerned principal of Lala Lajpat Ral 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 have been arrested in this case. Bathinda

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. The Present Petitioner was given full chance to state in his favour with documents. But he failed to do so. He

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.

8. It is submitted that the Present Petitioner Ashok Kumar has joined the investigation on 26.03.2024 as per direction of Hon'ble Punjab and Haryana High Court but the petitioner did not co-operated the investigating agency by concealing all material facts and whereabouts of Navneet Sharma Principal of Onkar College of Pharmacy Sajuma Sunam.

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

6. I have heard counsel for the parties and gone through the pleadings and its analysis would lead to the following outcome.
7. State counsel seeks custodial interrogation in a case which pertains to the year 2014. Most of the evidence is based on disclosure statement of co-accused and its evidentiary value is subject to Section 25 of Indian Evidence Act. This court is not considering the evidence collected so far to give an opinion about framing of charges or trial and the evidence might be sufficient for that stage but this Court is concerned only for grant of bail for which the evidence is not that clinching so as to deny the same. It is neither a case for custodial interrogation nor pre-trial incarceration.
8. Given above, petition is allowed and interim order dated 20.03.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

03.04.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.