

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-16984-2024
Decided on: 24.04.2024

Dr. Gurinder Singh Nagpal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Navraj Singh Mahal, Advocate for the petitioner.

Mr. Manpreet Singh Longia, Addl. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	08.12.2023	Economic Offences Wing, Punjab Vigilance Bureau, Ludhiana	406, 465, 466, 468, 471, 120-B IPC (409, 467 IPC and 7, 7A, 8, 13(1) r/w Section 13(2) of PC Act as amended by Amendment Act 2018 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 08.04.2024, State was asked to file reply and this Court had granted interim bail to the petitioner and the said order is continuing till date.
3. Petitioner’s counsel submits that petitioner was not named in the FIR and he was named on the basis of disclosure statement made by co-accused Gurjant Singh. He further submits that the petitioner has joined the investigation and cooperated with the investigator. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Counsel for the State on instructions, does not dispute the above said contention but opposes the bail.

5. Prosecution's case is being taken from the reply dated 16.04.2024, which reads as follows:-

"2. That Parveen Kumar Bhardwaj, during his tenure as Registrar, Punjab Pharmacy Council, 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. On the basis of the registration numbers, students had obtained jobs in different institutions and also run their medical shops.

3. That during Investigation the owners/principals of various RED 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.

Role of the Petitioner:

4. That as per the statement of Gurjant Singh (Pharmacist) the Petitioner had obtained Rs. 2 lakh from him which clearly establishes the fact that the money was obtained by the petitioner for getting issued 10 + 2 pass certificates of science stream for the said Pharmacist and to get his registration with Punjab Pharmacy Council on the basis of fake and fabricated 10 + 2 certificate and Diploma certificates. Hence his custodial interrogation is required due to the reasons mentioned above and to know the modus operandi how this whole scam was being run by the petitioner, therefore, the present petition is liable to be dismissed.

5. That in compliance of order dated 08-04-2024 passed by this Hon'ble Court, the petitioner has joined the investigation on 10-04-2024, the petitioner has admitted that the Gurjant Singh was doing private practice in his hospital and he has helped him many times. While joining the investigation, the petitioner has not co-operated with the investigating agency as he has not disclosed about taking bribe of 2 Lakh Rs. from Gurjant Singh and he also did not disclose regarding the fake certificate of 10 + 2 in science subjects and also did not inform from where it was made. Since the petitioner is not co-operating with the investigating agency and his custodial interrogation is required due to the reasons mentioned above, therefore, the present petition is liable to be dismissed."

6. I have heard counsel for the parties and gone through the petition.

7. In the entirety of facts and circumstances of the case, considering the role of the petitioner, lack of any evidence except disclosure statement or allegations of financial or

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other benefits, petitioner makes out a case for anticipatory bail and it is neither a case of custodial investigation nor pre-trial incarceration.

8. Given above, petition is allowed and interim order dated 08.04.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

24.04.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.