

CRM-M-40349-2024
243

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40349-2024
Decided on: 05.09.2024

Aruna Chhabra ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Kumar Jain, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	02.08.2024	Vigilance Bureau Range Jalandhar, District Jalandhar	409, 420, 465, 467, 471, 200, 201, 120-B IPC and Sections 13(1) r/w 13(2) of PC (Amendment) Act 2018

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from the order dated 08.08.2024, passed by the Judge, Special Court, Hoshiarpur, which reads as under:-

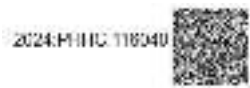
“....complaint No.106/2016 Gurdaspur was made by complainant Gurtej Singh son of Yograj Singh, resident of H.No.143A, Ajit Nagar, near Gurdwara Sahib, Patiala, to Director, Vigilance Bureau, Punjab Chandigarh against Smt. Charanjit Kaur Cheema, Retired Principal, Training School, Civil Hospital, Gurdaspur. Enquiry was conducted into the matter by DSP Vigilance Bureau, Hoshiarpur and in his enquiry report, the enquiry officer concluded that during the sessions 2011-2012, Dr. Kuldeep Singh Marok, admitted 15 students in his institute i.e. Marok College of Nursing and Medical Sciences. Kaithal Road, Taipura, Patiala although the said institute was not recognized and approved by PNRC Mohali and further that said Dr. Kuldeep Singh Marok obtained fees from



CRM-M-40349-2024

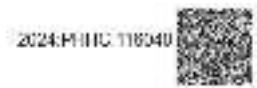
the said 15 students by assuring them that his institute is recognized and approved. Further it was revealed that the said institute was not having adequate infrastructure and in this manner. Dr. Kuldeep Singh in connivance with Dr. Arvindervir Singh Gill tried to obtain recognition of his institute from PNRC Mohali, but he failed to do so. Dr. Kuldeep Singh Marok along with Dr. Arvindervir Singh Gill, in connivance with each other got the said students to appear in their yearly exam for ANM Course in institute of Dr. Arvindervir Singh Gill namely Ruhaniyat Parkash Institute and Hospital, Village Nainowal Vaid, Hoshiarpur. But when the students came to know about this fact, they did not accept the said course which was recognized with Para-Medical Counsel. Upon which, Dr. Kuldeep Singh Marok, in connivance with Dr. Arvindervir Singh Gill got prepared forged documents pertaining to the above students for the session 2012-13 from the Principal of KD College of Nursing Mahilpur, namely Smt. Aruna Chhabra. On the basis of which, said Aruna Chhabra Principal handed them over the examination form of the said 15 students along with other documents by attesting them along with the covering letter of her college for submission with NRC Mohali. The said documents were handed over to Manjit Singh dealing Hand, in connivance with Charanjit Kaur Cheema Registrar, PNRC, Mohali and the said documents were not brought on the record of PNRC Mohali. The roll numbers of the said 15 students were although issued but the cut-out list was not uploaded on the portal. On the basis of said roll numbers, which were issued on the basis of admission forms, which although were not issued by the office, the said students appeared in the yearly exam held in the month of December 2013 at ST College of Nursing Mehlanwali, Hoshiarpur. Further, accused Aruna Chhabra prepared forged internal assessment reports of the student and issued a result under her signatures, which was not updated and issued by the PNRC Mohali, due to non-deposit of Admission Form or re-examination Form or examination fees. In this way, accused Charanjit Kaur Cheema in connivance with Dr. Kuldeep Singh Marok, Dr. Arvindervir Singh Gill and Aruna Chhabra prepared fake and forged documents. Further in the inquiry report, it was included that Arvindervir Singh Gill had paid bribe of Rs.,1,20,000/- to Manjit Singh Dealing hand for issuance of forged roll numbers; it was further concluded that Charanjit Kaur Cheema Registrar obtained a bribe of Rs.5000/- per student for issuance of result, Aruna Chhabra received a bribe of Rs. 1000/- per student for attesting forms and documents of the students and that Kuldeep Singh Marok had also paid a sum of Rs. 40,000/- as bribe to Charanjit Kaur Cheema for obtaining copy of the result. In this way, all the accused in connivance with each other had committed offence u/s 409, 420, 465, 467, 471, 201, 120-B IPC and 13(1)A r/w 13(2) of PC Act. Hence on the basis of said enquiry report and opinion of ADA (Legal) Vigilance Bureau, present FIR came to be registered against the accused, namely, Dr. Kuldeep Singh Marok, Dr. Arvindervir Singh Gill, Smt. Aruna Chhabra and Smt. Charanjit Kaur Cheema.”

4. The petitioner's counsel submits that petitioner is an old lady aged 79 years and she is suffering from various ailments. He further prays for bail by imposing any



CRM-M-40349-2024
stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes the bail.
6. As per paragraph 1 of the bail petition, the petitioner has been in custody since 03.08.2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and also the fact that petitioner is an old lady aged 79 years and suffering from various ailments, 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. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
10. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the



CRM-M-40349-2024
official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.09.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.