

Date of Decision: 14.11.2024

...Respondent

Mr. Pratap Singh Gill, Advocate,
for the complainant.

N.S.Shekhawat J. (Oral)

2. Learned Senior counsel for the petitioner contends that the petitioner has been victimized in the present case with some ulterior motive and the ingredients of the offence are completely missing in the present case. Learned Senior counsel further contends that the petitioner was authorized by the Ministry of Micro, Small & Medium Enterprises, MSME Development Institute, Government of India, Ludhiana to impart training to the candidates for Boiler Operator and also to provide them training regarding theoretical topics



by the engineers and officers. The labourers from Bihar and U.P. used to come for training and he was providing them training regarding safety and boiler machines at his factory. He further contends that as per established procedure, a person applying for the license of boiler attendant has to apply to the Board of Examination, which consists of Chairman, Secretary and three other members, who are government officials and after examining the merits of each case, the license of Boiler Attendant is awarded and the Board also follows the said procedure as prescribed by the law. Thus, the allegations that the petitioner had issued the experience certificate of Boiler Attendant is apparently false. Learned counsel further contends that the petitioner was arrested in the present case on 29.08.2024 and is in custody since then. After completion of investigation, the challan has already been presented before the Court.

3. On the other hand, status report by way of an affidavit of Assistant Commissioner of Police, Industrial Area-A, Ludhiana has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had issued fake experience certificates to 64 persons at his residential address. Learned counsel further contend that the petitioner was granted the authority to issue experience certificates in the year 2014, whereas the certificates were issued by the petitioner much prior to the year 2014.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, whether the petitioner was authorized to issue experience certificates or not, shall be adjudicated by the trial Court, during the course of trial only. At this stage, the petitioner, who is aged about 69 years, is in custody for the last more than two months. After completion of investigation, the challan has already been presented before the competent Court of law and his custody will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

14.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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