



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56884-2024
DECIDED ON: 14.11.2024

RAJIV KUMAR SHARMA @ RAJEEV SHARMA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramdeep Partap Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.170, dated 07.10.2024, under Section 420 IPC, registered at Police Station City Nawanshahar, District SBS Nagar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Application no. 1736-Peshi dated 19.09.202% Office of Senior Superintendent of Police, P.C. Branch, Shahid Bhagat Singh Nagar, To The Hon'ble S.S.P. Sahib, Shaheed Bhagat Singh Nagar. Subject:-Complaint against Mr. Rajeev Sharma Son of Jagdish Raj Sharma Resident of Majitha Road, Amritsar (Having Mobile No. 99882-17217). Sir, The undersigned respectfully submits as under:-1. That Dr. Asa Nand Arya Model Senior

Secondary School, Nawanshahr (Erstwhile name Arya Bal Vidhya Mandir, Nawanshahr) was established in the year 1955 and thereafter it was affiliated with Punjab School Education Board, Mohali in the year 1988 and is being run by Arya Pratinidhi Sabha, Jalandhar and the Managing Committee appointed by them consists of people from different walks of life. This School caters to students from the below average families being a charitable institution and has great academic record. 2. That since the students & their parents aspired to shift to CBSE, Delhi and on coming to know that School wants to shift to CBSE, one Mr. Rajeev Sharma Son of Jagdish Raj Sharma Resident of Majitha Road, Amritsar (Having Mobile No. 99882-17217) in later part of year 2021 approached me on Phone and told me that he is an Educational Consultant & an Expert for Affiliations/Approvals etc. from any State Board across Country to CBSE, Delhi and he further stated that he got Affiliations for many Schools in Punjab, Delhi, Haryana & J.K. 3. That thereafter said Mr. Rajeev Sharma visited the School many times and he told us about the formalities, documentations, expenses and his fees and continued to persist & asserted that this is the right time to apply for CBSE affiliation since there is a Stay from Hon'ble High Court on deposit of Reserve Fund. He categorically assured & induced us that he is an expert on the subject and all paperwork, documentation & paperwork will be done by him legally and he will get the CBSE Affiliation for the School. 4. That for applying & completing the documentations, in good faith Mr. Rajeev Sharma got my signatures & School Stamps of various Blank Letter heads of the School which I hesitantly did keeping in view welfare of the Students. 5. That thereafter in the later part of 2022, said Mr. Rajeev Sharma told us*

that he has procured provisional NOC dated 31-08-2022 from Punjab Government and now he will apply for the CBSE Affiliation and in the mean time he will also get the Final NOC from Punjab Government. The translation of the NOC in English was also got done by said Mr. Rajeev Sharma from Notary in Amritsar. 6. That Mr. Rajeev Sharma told us that on 31-Dec-2022 he has applied for CBSE Affiliation and date for physical inspection of School was fixed for 18-March-2023. On 15-March-2023, Mr. Rajeev Sharma got deposited Rs. 1,01,000/- vide Receipt No. 5105740 as processing Fees for NOC of CBSE Affiliation of Dr. Asa Nand Arya Model Senior Secondary School, Nawanshahe 7. That Mr. Rajeev Sharma also got his name included in the list of School Committee Members. On 18-March-2023 when the physical inspection of School was conducted said Mr. Rajeev Sharma got the inspection himself done and for the Inspection Mr. Rajeev Sharma brought with him the original of provisional NOC dated 31-08-2022 along with Notarized copy of its Translation from a Notary in Amritsar and after physical inspection Mr. Rajeev Sharma took the original provisional NOC dated 31-08-2022 along with Notarized copy of its Translation back with him and gave us Photostate copies of the same. 8. That on 31-May 2023 a virtual inspection of the School was conducted and Mr. Rajeev Sharma was present for the same in School and similarly he brought with him the original of provisional NOC dated 31-06-2022 along with Notarized copy of its Translation and after virtual inspection Mr. Rajeev Sharma took the same back with him. 9. That on 29-June-2023, the Application of the School for Affiliation to CBSE was rejected and immediately said Mr. Rajeev Sharma again applied for CBSE Affiliation on 30-June-2023 10. That on 21-

September-2023 for physical inspection and on 12-April-2024 for virtual inspection, Mr. Rajeev Sharma was present in the School and similarly he brought with him the original of provisional NOC dated 31-08-2022 along with Notarized copy of its Translation and after physical & virtual inspections Mr. Rajeev Sharma took the same back with him. 11. That during the inspections said Mr. Rajeev Sharma along with his associate Mr. Kahniya used to stay in Hotel Continental, Nawanshahr and bills of the same were also paid by the School. 12. That on 3-May-2024, the School got CBSE Affiliation. 13. That on 16-08-2024, the School received intimation regarding enquiry of NOC issued by State Government pending before Hon'ble Ms. Amninder Kaur Brar, PCS, Director School Education (Elementary), Punjab, but during this time my mother was also detected Cancer on 19-August-2024 and immediate Breast removal surgery was performed on my mother on 21- August-2024 even then I relentlessly tried to contact Mr. Rajeev Sharma on Phone to know about the details of NOC & about its original but said Mr. Rajeev Sharma started behaving indifferently and started putting me off or one pretext or the other. 14. That this attitude of said Mr. Rajeev Sharma raised apprehensions in my mind regarding the NOC and being not sure I am constantly worried about the 1500 students studying in the School. It is worth mentioning here that this School is purely non-proprietary in nature and is not owned by any Family. Further the School provides concessions in School Fees to about 100 Students in every Academic year. 15. That on 12.09.2024, the Director of the School (Smt. Achla Bhalla) received a Phone Call from the Office of Additional Secretary, School Education, Punjab from Phone No. +91 172 2740642 and Sh. Parminder Pal Singh, IAS, Informed us

that the said Provisional NOC dated 31-08- 2022 is a forged document and has not been issued by the State Government. 16. That it is pertinent to mention here that the School Principal & School Administration had no knowledge, intent & purpose in forging the sand Provisional NOC dated 31-08-2022. Further the School Principal & School Administration never attended to cause any damage to the public at large and never had of intended to have any monetary gains. Thus, the School has never forged any document and/or valuable security and in-fact the said Mr. Rajeev Sharma has defrauded the undersigned, School Administration and the Students by forging the said Provisional NOC dated 31-08-2022 Therefore, it is prayed that the said Mr. Rajeev Sharma be taken to task and be dealt with according to law in the interest of justice. Thanking you. Yours faithfully, SD/- Amit Sabharwal Amit Sabharwal, Principal. Dr Asa Nand Arya Model Senior Secondary School, Nawanshahr. Mobile No. 98882-81531 Dated 18.09.2024.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and had no role in the issuance of the provisional NOC. He further contends that the CBSE, Delhi granted affiliation to the school and requested additional documents, validating the legitimacy of the process, refuting allegations of forgery or cheating against the present petitioner. It has been further contended on behalf of the petitioner that the entire record is documentary in nature and, therefore, his custodial interrogation is not required at this stage.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail to the petitioner on the ground that during the course of inquiry, it was revealed that the petitioner had demanded fee of Rs.10 lacs for facilitating the affiliation of the school with CBSE, Delhi and initiated correspondance for obtaining the necessary NOC. However, when the process was delayed, the petitioner, without the management's knowledge, allegedly used a forged NOC to secure CBSE affiliation for the school, primarily to collect his fee.

4. Analysis

Be that as it may, considering the fact that the the entire record is documentary in nature, which is already available with the CBSE, no custodial interrogation of the petitioner at this stage is required in addition to the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section. ’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

14.11.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No