IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MMO No. 328 of 2026
Reserved on 04th November, 2026
Decided on 20th November, 2026

Arvind Rajta **…Petitioner**

Versus

CBI **…..Respondent**

Coram
Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.
[1]Whether approved for reporting? Yes

For the petitioners	**:**	**Mr. Ravi Tanta and Mr. Shakti Bhardwaj, Advocates.**
For the respondent	**:**	**Mr. Janesh Mahajan, Advocate with Mr. Gobind Singh Solanki, DySP, CBI, Shimla.**

Chirag Bhanu Singh, Judge

The petitioner has invoked the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking stay of the fragmented criminal proceedings arising out of FIR No. RC No. 0962019S0002 registered by the Central Bureau of Investigation (hereinafter referred to as the CBI) and further seeking directions for completing the investigations and consolidating/holding joint trial of cases arising from the same

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[1]Whether reporters of Local Papers may be allowed to see the judgment? Yes

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alleged transactions. By way of the present petition, the petitioner has sought the following reliefs:-

> *"a) Stay further proceedings, including recording of evidence, in FIR No. RC No. 0962019S0002 pending before the learned Special Judge, CBI, Shimla;*
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> *b) Direct the respondents to complete investigation in all connected FIRs and file charge-sheets before proceeding with trial;*
>
> *c) Direct the proceedings arising out of FIR No. RC No. 0962019S0002 and all connected FIR(s) relating to the alleged scholarship scheme be tried together by the learned Special Judge, CBI, Shimla;*
>
> *d) Declare that continuation of fragmented trial is illegal and violative of Article 21 of The Constitution of India;*
>
> *e) Pass any other order(s) as deemed fit in the interest of justice."*

2. The case set up by the petitioner, in brief, is that the learned trial Court is proceeding with the evidence in selective FIR(s) amounting to trial by installments, which reflects compelled self-prejudice and procedural unfairness of the highest order.

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3. The genesis giving rise to the present petition may be succinctly summarised thus. In pursuance to the transfer of FIR number 133 of 2018 dated 16.11.2018 to the CBI, which is famously known as the “Scholarship Scam”, the CBI had registered FIR No. RC No. 0962019S0002 on 07.05.2019 under the provisions of Sections 409, 419, 465, 466 and 471 of the Indian Penal Code (in short “IPC”). However, during the course of investigation conducted by the respondent-CBI, since involvement of some public servants had come to light, Section 120-B of the IPC and Sections 13 (i) (c) and 13 (ii) (d) read with Section 13 (ii) of the Prevention of Corruption Act, 1988 also came to be added.

4. It is further the case of the petitioner that following the transfer of the investigation to the CBI, final report/charge-sheet was laid before the Court of the learned Special Judge (CBI), Shimla, on 31.03.2020 vide (Annexure P-2).

5. It is averred that he was implicated in multiple FIRs registered by the CBI relating to an alleged scholarship scam, wherein all the FIRs had arisen from the same scheme and policy framework covering almost the same time period with allegations of involvement of almost common accuseds, including the petitioner. The prosecution is stated to be also depending on the overlapping

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documentary and oral evidence in all the said FIRs.

6. It is further averred by the petitioner that the prosecution had filed 17 separate challans relating to different Educational Institutions under the same alleged scholarship scheme. As per the petitioner, there were 266 Institutions involved in the alleged scam, involving around 200 crores, whereas only 17 Institutions had been subjected to inquiry/investigation by the CBI. Six more FIRs are stated to have been registered by the respondent-CBI relating to the same scholarship scam. Despite multiple FIRs having been registered, charges have been framed against the petitioner only in one FIR, while the others are still under investigation.

7. It is further the contention of the petitioner that despite this, the learned trial Court is proceeding with the recording of evidence in an isolated manner. In the present FIR too. Only one charge-sheet is being pressed as of now. 11 other charge-sheets prepared separately in the present FIR have still to be pressed into action by the CBI. Such fragmented prosecution was stated to be violative of Section 220 Cr.PC and Article 21 of The Constitution of India.

8. It is further stated that the offences forming part of the

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same transaction must be tried together. Multiple FIRs relating to the same occurrence are inadmissible and subsequent information thus must be treated as part of the same investigation and prosecution thus cannot circumvent the safeguards and initiate multiply proceedings and thus harass the accused by way of procedural fragmentation. When offences arising from the same transaction involve common accuseds, the Court is empowered to frame consolidated charges and try such matters together in the larger interest of justice. If the present prosecution is allowed to continue, it will also tantamount to forcing disclosure of defence by the petitioner.

9. It is further averred that as per the mandate of Section 235 of the BNSS, specifically signifies that if a series of acts are so connected as to form a single transaction, multiple offences committed by the same person are to be tried together. Where offences arise from the same transaction and the evidence is inseverable, conducting separate proceedings may result in duplication of evidence, delay and risk of inconsistent findings. The legislative intent underlying Section 218 to 223 of Cr.PC is also to prevent multiplicity of proceedings so as to avoid conflicting judgments on the same evidence.

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10. The petitioner thus prays that if such piecemeal prosecution is permitted to continue, he will be compelled to defend multiple proceedings based on substantially overlapping evidence, resulting in duplication of trials and risk of inconsistent findings, which may irreversibly prejudice the accused-petitioner and hence the relief claimed.

11. While contesting the present proceedings, the respondent-CBI, averred that the present FIR was registered at the CBI, ACB Branch, Shimla upon transfer of FIR number 133 dated 16.11.2018, originally registered at Police Station East Shimla. The initial FIR had been registered on the basis of a complaint submitted by Mr. Shakti Bhushan, State Project Officer, State Project Monitoring and New Initiative Unit, Department of Higher Education, Shimla, HP, against unknown persons for offences punishable under Sections 409, 419, 465, 466 and 471 of the IPC. It was alleged in the FIR that the Department of Education, Himachal Pradesh was disbursing pre-matric and post-matric scholarships under the State and the Central Government-sponsored schemes for SC/ST/OBC/MC students. It was upon the receipt of a number of complaints pertaining to non-receipt of scholarships by the students that the preliminary inquiry was conducted by the State Project

Officer, which did reveal misappropriation of funds on a large scale and hence the present case.

12. Upon completion of the initial investigation, the respondent-CBI had filed 12 separate charge-sheets/challans involving different institutions/instances. The present matter pertained to challan No.1, relating to KC Group of Institutions, Pandoga, Una, Himachal Pradesh, wherein the present petitioner had been arrayed as accused No. 1. The investigations had revealed that KC Group of Institutions had uploaded forged Schedule Caste Certificates on HP e-Pass Portal in respect of 42 students, randomly selected for investigation by the CBI. They had allegedly sought admissions in different streams during Academic Session 2013-14. However, the KC Group of Institutions had furnished false information to the Directorate of Higher Education, HP, from the Academic Session 2013-14 to 2016-17. The forged certificates were deliberately uploaded and submitted to the Directorate of Higher Education in a dishonest and a fraudulent manner in connivance with the officials of the scholarship branch. The present petitioner/accused-Arvind Rajta, the then Superintendent Grade-II, is alleged to have processed the claims of these 42 students without due verification of documents.

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Investigations had further revealed that out of the said 42 students, 31 had discontinued their studies without completion and one student had expired during the course of study. Only 10 students had continued in the Institution up to the Academic Session 2016-17. The KC Group of Institutions, however, had continued fraudulently claiming scholarship for all these students, projecting them as regular students. Even the 10 students, who remained enrolled in the Institution had not received any scholarship.

13. The petitioner was the In-charge of the Scholarship Branch, was to verify all the documents/certificates uploaded by students of KC Group of Institutions, Pandoga, along with the admission/application forms on HP e-Pass Portal. However, seemingly no verification was done by the petitioner.

14. The investigations further revealed that the scholarship amount meant for disbursement to the students amounting to Rs. 13,19,51,110/- (Thirteen Crores Nineteen Lac Fifty One Thousand and One Hundred and Ten) was fraudulently transferred into 6 Bank Accounts of KC Group of Institutions. The said amount was routed from the Bank Accounts of the students as well as directly from the Bank Accounts of the Directorate of Higher Education, Shimla. In order to ensure that the SMS alerts regarding the release and credit

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of scholarship were not received directly by the students, the same had been fraudulently got routed to the mobile number of one Smt. Saroj Sharma, Campus Director of KC Group of Institutions. The petitioner in conspiracy with other officials of the KC Group of Institution had processed the files of scholarship and recommended the release of payment in favour of the KC Group of institutions right from the year 2013-14 to 2016-17.

15. Per the respondent-CBI, the petitioner/accused-Arvind Rajta has also been charge-sheeted in other 11 instances (12 Challan in total) arising out of the said FIR, involving different institutions/instances. Further per the respondent-CBI, the accused/petitioner had hatched distinct conspiracies with different Institutions while dishonestly processing and recommending scholarship claims of the students of different Institutions.

16. On completion of the investigation of Challan No.1, charge-sheet against the accused/petitioner and the other 11 accuseds already stands filed before the learned Special Judge, CBI, Shimla on 30.03.2020. The learned trial Court has framed charges against all the accuseds therein and the case is now fixed for prosecution evidence.

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17. Further, per the respondent-CBI, the investigation in respect of the other 11 Institutions has already been completed and charge-sheets have also been filed before the competent Court. In all the charge-sheet, there are different set of accuseds, witnesses and different set of documents which are not connected with each other. Different Institutions had submitted bogus claims of different students which are nowhere connected with each other. The petitioner-accused had passed and processed bogus distinct claims submitted by different Institutions. The accused thus has committed criminal conspiracy independently with the said 11 Institutions.

18. On merits too, the very same averments have been reiterated. It has been further clarified that 12 charge-sheets have been filed by the CBI against different Institutions involved in the scholarship matter arising out of the present FIR. Besides this, the CBI has also registered 6 more separate cases, involving different Institutions, wherein, charge-sheets with respect to two Institutions already stand filed and the remaining four cases are under investigation.

19. It is further averred that the petitioner is an accused in multiple charge-sheets, however, each charge-sheet relates to a distinct offence arising out of separate transactions and independent

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conspiracies involving different Institutions. Therefore, the charge-sheets cannot be tried jointly nor can the subsequent charge-sheets be treated as supplementary to the present one. It is denied that all 12 charge-sheets have arisen out of the same transaction and respondent-CBI thus prays for the dismissal of the petition.

20. I have heard the learned counsel for the parties and gone through the records meticulously.

21. The short grouse spoused by the petitioner is that the prosecution is fragmenting a single conspiracy into multiple charge-sheets and proceeding with a trial in a piecemeal, which is required to be amalgamated though the FIR happens to be one. It is thus the case of the petitioner that the respondent-CBI has implicated the petitioner in multiple charge-sheets in the scholarship scam, though all the charge-sheets have arisen from the same FIR, the transaction in the same, so is the scheme and policy covering almost the same time period. Over and apart, the allegations are also against common accuseds, including the petitioner. The prosecution thus is depending upon the same and similar overlapping documentary and oral evidence in all the said charge-sheets. The approach of the respondent in fragmenting the prosecution by filing separate charge-sheet in the same FIR thus

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violates his right under Section 220 Cr.P.C and Article 21 of the Constitution of India. To buttress the aforesaid argument, the learned counsel for the petitioner has further placed strong reliance upon a judgment titled as ***Mamman Khan vs. State of Haryana, (2025) INSC 1113***, wherein, the Hon'ble Supreme Court had quashed the orders passed by the learned trial Court, segregating the trial of the accused Mamman Khan and directing a joint trial of the said accused.

22. Per contra, Mr. Janesh Mahajan, learned counsel for the respondent-CBI, would contend that the petitioner/accused, has been charge-sheeted in the present FIRs by filing 12 separate challans, one out of them having been filed in relation to KC Group of Institutions situated at Pandoga, Una. The other 11 charge-sheets in the said FIR relate to different institutions. The petitioner/accused had hatched distinct conspiracies with different institutions while dishonestly processing and recommending scholarship claims of the students relating to different Institutions. In all the charge-sheets, there are different accuseds, different set of witnesses and even different set of documents, which are not connected with each other. Different institutions had submitted bogus claims regarding the scholarships of different students, which are nowhere connected

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with each other. Thus each charge-sheet relates to a distinct offense arising out of separate transactions and independent conspiracies involving different institutions. He would thus urge that the charge-sheets cannot be tried jointly.

23. To substantiate his aforesaid arguments, the learned counsel for the respondents has placed reliance upon a judgment titled as ***State of Jharkhand through SP, CBI vs. Lalu Prasad Yadav, 2017 (2017) 8 SCC Page 1***. Reliance has been further placed on a judgment passed by the Hon'ble Allahabad High Court, titled as ***Faujdar Singh vs. State of Uttar Pradesh through Superintendent of Police, CBI, 2015 SCC online Allahabad 4183*** and the judgment of the Hon’ble Calcutta High Court, titled as ***Ram Krishan Goswami vs. State of West Bengal and Another, (Cr.R. 3871 of 2011) decided on 04.09.2013*** to contend that if it appears to the Investigating Agency that the distinct offences were committed in course of several transactions by the same accused then it is within the domain of the investigating agency to file separate charge-sheets for each of such distinct offense/offenses. Such an action of the investigating agency is, in fact, in aid of fair trial and no prejudice can be said to be caused to the accused by segregating charges in a single trial.

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24. Having considered the rival contentions so raised by the parties, it would be first and foremost apposite to reproduce the provisions of Section 220 of the Code of Criminal Procedure, which reads thus;

> *"220. Trial for more than one offence.*
> *(1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.*
> *(2)……"*

25. It may also be important to notice the statutory provision envisaged under Section 223 of the Code of Criminal Procedure, which reads thus;

> *"223. What persons may be charged jointly.-- The following persons may be charged and tried together, namely:—*
>
> *(a) persons accused of the same offence committed in the course of the same transaction;*
>
> *(b) persons accused of an offence and persons accused of abetment of, or attempt to commit, such offence;*
>
> *(c) persons accused of more than one offence of the same kind, within the meaning of section 219 committed by them jointly within the period of twelve months;*
>
> *(d) persons accused of different offences committed in the course of the same transaction;*
>
> *(e) persons accused of an offence which includes theft, extortion, cheating, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in*

> *the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit any such last-named offence;*
>
> *(f) persons accused of offences under sections 411 and 414 of the Indian Penal Code (45 of 1860) or either of those sections in respect of stolen property the possession of which has been transferred by one offence;*
>
> *(g) persons accused of any offence under Chapter XII of the Indian Penal Code (45 of 1860) relating to counterfeit coin and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence; and the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges:*
>
> *Provided that where a number of persons are charged with separate offences and such persons do not fall within any of the categories specified in this section, the Magistrate or Court of Session may, if such persons by an application in writing, so desire, and if he or it is satisfied that such persons would not be prejudicially affected thereby, and it is expedient so to do, try all such persons together."*

26. The bare perusal of the provisions detailed above and more particularly Sections 220 to 223 of the Cr.P.C, would clearly go to demonstrate that the underlying theme in all the sections is that the offense should have been committed in the course of the same transaction or should form the same transaction, if the benefits of Section 220 and 223 of Cr.P.C were to augur to the benefit of the

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accused. The statutory provisions read collectively does show that in normal circumstances and ordinarily in one series of acts so connected together as to form the same transaction, even if more than one offense is committed by the same person, he may be tried at one trial for each such offense and likewise even different persons may be charged together provided both of them are accused of the same offense and that too committed in the course of the same transaction.

27. By by now, it is fairly well settled, the Hon'ble Supreme Court having held so long back in ***Natwarlal Sakarlal Modi versus State of Bombay (1964) MPLJ 1 (SC)***, that separate trial is the rule and joint trial an exception. It was further held that a joint trial would be an irregular exercise of discretion, if a Court allowed innumerable offences spread over a long period of time and committed by a large number of persons to be under the protecting wings of an all embracing conspiracy, however, if each or some of the offences could be separately tried, it would be appropriate and lawful to do so.

28. Even otherwise the Hon'ble Supreme Court has also held that whether a transaction can be regarded as the same would necessarily depend upon the particular facts of each case. But, it

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was generally thought that where there is proximity of time or place or unity of purpose and design or continuity of action in respect of a series of facts, it may be possible to infer that they form a part of the same transaction. It was, however, not necessary that every one of these elements should coexist for a transaction to be regarded as the same ***(See State of AP versus Cheemalapati Ganeshwara Rao AIR 1963 SC 1850***.

29. In the aforesaid judgment, it was further laid down by the Hon'ble Supreme Court that where several offences are alleged to have been committed by several accused persons it may be more reasonable to follow the normal rule of separate trials.

30. Even in the ***State of Jharkhand versus Lalu Prasad Yadav, referred*** hereinabove (Supra), it has been held that where several offences are alleged to have been committed by several accused persons, the Hon'ble Supreme Court had laid down that normal rule is of separate trials.

31. The question of amalgamation of trail of criminal cases was also considered by the Hon'ble Supreme Court in another case relating to Lalu Prasad Yadav himself, titled as ***Lalu Prasad Yadav versus State through CBI (AHD), Ranchi, Jharkhand 2003 11***

SCC 786). The petitioner therein, that is Lalu Prasad Yadav along with Dr. Jagannath Mishra sought to get their cases amalgamated in almost a similar situation, in the famous Fodder Scam case, interpreting Section 223 of the Cr.P.C, the Hon'ble Supreme Court had clearly held that in respect of monies siphoned out of different treasuries at different times, being separate and distinct acts, the cases could not be amalgamated. The factual matrix of the present scholarship scam is almost similar to the said case.

32. Thus, what can be culled out from the ratio's laid down in the aforesaid cases discussed hereinabove (Supra) if the conspiracies are different and transactions too, it would be appropriate and lawful to file separate charge-sheet.

33. In the instant case, it cannot also be said that the siphoning of the monies from different institutions and in the name of different students were a part of the same transaction. Not only are the institutions different, but the years are different, the amounts are different, the students are different, so much so, even the accused in the other charge-sheets are also stated to be different. The provisions of Sections 220 and 223 thus in any case do not are attracted in the instant case. It cannot be said that all the charge-sheets so filed by the respondent-CBI is in one series of acts nor are

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they so connected together as to form the same transaction. The one of the first challans, charge-sheet filed in the present FIR is relating to one KC Group of Institutions, Pandoga, one stands filed in respect of Vidya Jyoti Educational Society, Dera Bassi, Punjab, the other relates to Dev Bhoomi Education Trust, District Una, one is in relation to Sukhjinder Group of Institutes, Hayat Nagar, Gurdaspur, Punjab, Sukhjinder Group of Institutes, Dunera, Pathankot, Punjab, Doaba Khalsa College, Kharar, Mohali, ICL Group of Colleges, Village Sountli, Shahzadpur, Ambala, (Haryana), ITFT Education Group, New Chandigarh, Himalayan Group of Professional Institutions, Kala Amb, District Sirmaur, HP, Apex Group of Professional Institute, Indri, Karnal, Haryana.

34. It is thus apparent that the petitioner/accused had entered into conspiracy separately with all the institutes throughout North India. The monies have been swindled in different years by combination of different institutions and different accused all together. The charge-sheets submitted by the respondent-CBI shows that each charge-sheet is based on separate and independent transactions. In fact, each transaction can certainly be said to be sufficient to constitute a separate and an independent offence. It is apparently clear from the record that the

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petitioner/accused in conspiracy with different institutions has committed the offence in course of several different transactions. The offences committed by the petitioner, though similar in nature, however, cannot be said to have been committed in course of the same transaction. It cannot be said by any strech of imagination that the multiple conspiracies committed by the petitioner were but one.

35. The ratio of the Mamman Khan's judgment referred to hereinabove (Supra) by the learned counsel for the petitioner may not augur to his benefit as in that case the Hon'ble Supreme Court had allowed the joint trial, amalgamating it with the other co-accused merely because the segregation was directed by the learned trial Court solely on account of the accused's status as an MLA, so as to facilitate a day-to-day trial in purported compliance with the directions of the Hon'ble Supreme Court in ***Ashwini Kumar Upadhyay versus Union of India 2024 1 SCC 185***, whereby the Hon'ble Supreme Court had issued directions to prioritize the trials involving MPs and MLAs.

36. Even otherwise, the petition itself presupposes a position that the offenses were forming a part of the same transaction and must be tried together and all the judgments

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referred to in the petition itself presupposes that the Court is empowered to frame consolidated charges only where offenses arise from the same transaction. The same is the text and tenure of the entire petition.

37. However, seeing to the settled proposition of law discussed herein above (Supra) and seeing to the factual matrix of the case discussed above, this Court finds no reason to direct the learned Special Judge, CBI to try all the charge-sheet arising of the FIR together or to amalgamate all the charge-sheets. The petition is thus devoid of any merit. As a sequel, the petition is dismissed. However, there shall be no orders as to costs.

(Chirag Bhanu Singh)
Judge

20.11.2026
(Ritu)