

1. Navneet Kumar Vs. State of Punjab.

PBGD010008702024



Presented on : 30-01-2024
Registered on : 30-01-2024
Date of order : 30.01.2024
Pending for : 08.02.2024

IN THE COURT OF
Additional District and Sessions Judge
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)

BA/393/2024

Navneet Kumar son of Baldev Raj r/o Quarter No.10E, Police Lines, Colony Gurdaspur at present r/o Litchi Bagh Colony, Village Babowal, Tehsil and District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

Ist Application for bail U/s 438 of Code of Criminal Procedure.

FIR No. 261 dated 20.12.2023.

Under Sections: 465, 467, 468, 471, 34 IPC.

Police Station: City Gurdaspur.

Present : Sh. Manoj Loomba, Advocate, for applicant/accused.
Sh. Bikramjeet Singh, Additional Public Prosecutor for State.

O R D E R:-

Bail application received by entrustment. It be registered.

Apprehending arrest, in case FIR No.261 dated 20.12.2023 under Sections 465, 467, 468 471, 34 IPC registered at Police Station City Gurdaspur, District Gurdaspur the accused-applicant has filed the present pre-arrest bail application.

2. Upon presentment of bail application notice of the bail application issued to the State and in pursuance thereof, Sh. Bikramjeet

Raman Goklaney,
Additional Sessions Judge, Gurdaspur
Dated 30.01.2024.

Singh, learned Additional Public Prosecutor has already put in an appearance on behalf of the State. Today, police record received and perused. Learned counsel for accused-applicant & learned Additional Public Prosecutor for State heard.

3. The facts, in brief, necessary for disposal of the instant bail application are that FIR in question registered in pursuant to letter dated 05/09/2023 issued by the Joint Director(Crimes) through Chief Director, Vigilance Bureau to Director, Bureau of Investigation, Punjab, Chandigarh, in respect of matter relating to submission of fake/bogus Experience Certificate(s), Rural Area Certificate(s) etc. by candidates /aspirants while applying against 9998 'Teaching Fellows' (JBT/ETT) Posts advertised by Education Department in the year 2007 across different districts in the State of Punjab. In the said letter, references to the orders passed by Hon'ble Punjab and Haryana High Court in CWP – 14240–2013, CWP–23664–2014, CWP–15440–2018, CWP–16434–2009, CWP–11111–209, LPA-927–2010, LPA–239–2011 and Committees constituted by Education Department in pursuant to directions given by Hon'ble High Court have been given. In nut shell, present case has been registered against 128 candidates at Police Station, City Gurdaspur, who applied against Teaching fellows (JBT/ETT) posts by allegedly submitting fake/bogus experience certificates, rural area certificates etc. It is alleged that fake experience certificates were submitted by many candidates of different districts across the State for the reason that teaching experience carries maximum number of 07 marks. It is the case of

the prosecution that committee was constituted and after giving due opportunity to the candidates by the Director Education Department, Experience/Rural area certificates submitted by 457 candidates across the State of Punjab found to be fake/bogus. Education department issued termination letters to many Teaching Fellows and in the meanwhile few of Teaching Fellows who were terminated, challenged their termination orders before Hon'ble Punjab & Haryana High Court also Orders passed in the writ petition were challenged by State of Punjab in appeal before Division Bench in LPAs. Relevant portion of order dated 11/08/2010 passed in LPA-927-2010 filed by Punjab state against order passed in CWP-11111-2009 is “(4)the committee constituted by the learned Single Judge, may determine the authenticity of the certificate produced by the respondent- petitioner. If it is found to be authentic then appointment has to be given. However, if the certificate is found to be bogus by the committee, then the respondent-petitioner becomes dis-entitled to claim any benefit with regard to her selection and appointment. Then in fact matter should be taken to its logical conclusion. The petitioner-respondent as well as the certificate issuing authority should be proceeded against as per the penal law of this country. It is well settled that law comes to the rescue of those who approach the court with clean hands especially under equitable jurisdiction under Article 226 of the Constitution. Fraud vitiates and dis-entitles any person from obtaining any relief. Any person if found to have approached this court with soiled hands is rendered dis-entitled to have his case heard on merit and, therefore, the

aforesaid direction cannot be sustained in the eyes of law. x x x x (6) x x x x
We also make it clear that if the experience certificate is found to be bogus then the matter shall be taken to its logical conclusion as already observed in para 4 of this judgment. A compliance report be sent to this court by December 20,2010.”

Further, it reveals from the contents of letter issued by Vigilance Bureau to Director, Bureau of Investigation (Crimes) that FIR No. 18 dated 08/05/2023 Under Sections 409, 420, 465, 467, 468, 471, 120-B of IPC and Section 13(1)(A)(2) r/w 13(2) PC Act, 1988 has been registered by PS Vigilance Bureau, Flying Squad, Punjab at Mohali against the officers /employees of Department of School Education, Punjab, in respect of irregularities/illegalities pertaining to recruitment of about 9998 posts of Teaching fellows (JBT/ETT) advertised in the year 2007 and investigation of the said case being carried by SIT headed by AIGP, Vigilance Bureau, Economics Wing, Punjab. During investigation of said case, officials of Vigilance Bureau came across list of candidates appointed on the post of ‘Teaching fellows’ by submitting fake/bogus experience certificates, rural area certificates. Since the appointments of ‘Teaching fellows’ across different districts were made at district level by the District Selection Committee under the chairmanship of concerned District Education Officer (Elementary), as such Deputy Inspector General of police, Crimes, Punjab, Chandigarh forwarded the communication received from Vigilance Bureau to all Commissioners of Police and SSPs of concerned Districts to register

criminal cases against candidates who submitted fake/bogus certificates as per the list surfaced during investigation of aforesaid FIR no 18 dated 08/05/2023 and accordingly instant FIR in question registered against 128 candidates of Gurdaspur District, who allegedly submitted fake/bogus experience certificates, rural area certificates etc. before District Education Officer, Gurdaspur during application process of Teaching fellow posts.

4. Sh. Manoj Loomba, Advocate, learned counsel for the accused-applicant submitted that applicant has been falsely implicated in the present case and entire case is based on documentary evidence. He next submitted that there is delay of 14 years in registration of the criminal case. The allegations against the accused-applicant are that experience certificate submitted by him was found to be forged. He next submitted that applicant is ready to join the investigation and will extend full cooperation with the investigator and undertakes to provide the documents and information, which is in the possession of the applicant, so as to enable the investigator to reach at proper and just conclusion of the case. He next submitted that applicant is having permanent abode and there are no chances of fleeing from justice and would appear before the investigator as and when required by him and after the presentment of challan before the learned trial Court. He next submitted that registration of the FIR in question against the accused-applicant after such a delay is abuse of process of law and co-accused has already been granted bail by this Court and in the FIR registered for other district concerning the matter in question, the accused has been granted concession

of anticipatory bail and finally prayed for grant of concession of anticipatory bail.

5. While countering the aforesaid submissions, Sh.Bikramjeet Singh, Learned Additional Public Prosecutor for the State opposed the bail application on the ground that act of the accused/applicant of submitting forged experience certificate during selection process of Government teacher constitutes a serious offence. He next submitted that investigation of present case is at initial stage and custodial interrogation of accused-applicant is necessary for elucidated important information viz name of issuing authorities, who issued the fake experience certificate and further to take possession of material documents which are in possession of the accused concerning offence committed by the accused-applicant. He next submitted that the said important information and documents could not be procured while the accused-applicant would be on anticipatory bail and he finally prayed for dismissal of the bail application.

6. After hearing the rival contentions of both the sides and on perusal of the police record, this Court is of the opinion that presenting a forged/fake/false/bogus documents to secure Govt. employment undermines the integrity of the recruitment process and deprives the deserving candidates of their rightful opportunities. So, the allegations levelled in the present case are serious but at the same time prosecution at this stage could not show from the record as to whether any show cause notice or personal notice had been given either by the police or by the Education Department to the

accused/applicant to present supporting documents in respect of experience certificate presented by him while applying for teaching fellow(ETT/JBT) post. Further no record has been produced by the prosecution at this stage as to whether accused-applicant appeared before the committee constitute to verify the genuineness of experience certificate produced by the accused-applicant. Criminal accusation levelled against the accused-applicant by registration of FIR in question after 14 years of alleged incident. Applicant is into the profession of teaching and is nation builder and sending him behind bars for elucidating information from him won't be justifiable as any information/documents can be easily obtained from the applicant by extending interim relief and while putting him across questionnaire by the Investigator. It may be the case that the certificate issuing authority/institute may deny to have issued certificate submitted by the applicant to the Education Department while applying for the post of teaching fellow. Additionally, even if the issuing authority validate the certificate, they may not possess any evidence verifying the candidate's actual work experience . To reach a proper conclusion, the investigator requires specific information from the accused-applicant as currently, the prosecution only has a list of candidates flagged by the education department who allegedly submitted fake/bogus experience certificates. Therefore, for a thorough , effective and fair investigation, the accused-applicant is directed to provide the following information at the time of joining investigation, in addition to any other details required by the investigator/Investigating officer.

FIR No-261 dated 20.12.2023 U/Ss 465,467,468,471,34 IPC registered at PS City Gurdaspur
Re: Matter concerning submission of fake/false certificate(s) at the time of applying against
9998 Teaching Fellows Posts in the year 2007.

1.	Name of Accused: -	
2.	Complete Address (at the time of applying for the post of 'Teaching fellow' in the year 2007): -	
3.	Date of Issuance of Appointment letter by DEO, Gurdaspur (<i>Attach copy of letter</i>): -	
4.	Have you received any Show Cause Notice from the Education department concerning submission of fake/false teaching experience certificate while applying or have you appeared before Committee	

5. Details of Teaching Experience before applying for the post of 'Teaching Fellow' in the year 2007:-

Sr no.	Name of School /Education Institute/Certificate issuing Authority	Complete Address of the School /Education Institute/ Certificate issuing Authority	Period (Specify the start & end dates during which you had taught/worked in the School/Institute)
(i)			
(ii)			
(iii)			

Attach supporting documents

6.	Date of Joining at the post of 'Teaching Fellow (ETT/JBT Teacher)- <i>Attach photocopy of Appointment letter</i>	
7.	Whether you were terminated or resigned or still working against aforesaid post of 'Teaching Fellow'(ETT/JBT Teacher)- <i>Attach photocopy of termination letter if terminated</i>	
8.	Period for which you worked as 'Teaching Fellow'(ETT/JBT Teacher)- (Specify the start & end date)	
9.	Present Complete Address with Mobile/Wap Number: -	

Raman Goklaney,
Additional Sessions Judge, Gurdaspur
Dated 30.01.2024.

7. So, in these circumstances as discussed above, custodial interrogation of the accused-applicant at this stage appears to be not imminent. As such, without commenting upon the merits of the case and in order to facilitate the fair investigation, accused-applicant is directed to join the investigation and in the event of doing so, he will be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer and applicant is directed to cooperate in the investigation, subject to the following conditions :

- i. That the applicant shall provide the information as detailed above furnished by him while applying for the post of teaching fellow.
- ii. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case, so as to dissuade from disclosing such facts to the Court during trial.
- iii. That the applicant will join the investigation/enquiry as and when called by the investigating officer.
- iv. That the applicant will not leave the country without prior permission of the Court.

8. It is made clear that observation made herein above shall not construed as an expression on the merits of the main case. Now to come up on 08.02.2024 for awaiting report from concerned police station as to whether applicant has joined the investigation or not.

**Pronounced in open Court.
On 30.01.2024.**

iqbalsinghjw

**(Raman Goklaney)
UID No PB-0687
Additional Sessions Judge,
Gurdaspur.**

Raman Goklaney,
Additional Sessions Judge, Gurdaspur
Dated 30.01.2024.