

(2021) 05 UK CK 0093

In the Uttarakhand High Court

Case No : First Bail Application No. 282 Of 2021

Rakesh Kumar Panwar

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 —
Section 120B, 409, 420, 467, 468, 471
Constitution Of India, 1950 — Article 21

Citation : (2021) 05 UK CK 0093

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Avtar Singh Rawat, Raj Kumar Singh, T. C. Agarwal, V. S. Rathore

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with Case

Crime No.102 of 2020, registered with Police Station Dalanwala, District Dehradun for the offence punishable under Sections 420, 409, 467, 468, 471

and 120-B of IPC.

2. According to the FIR dated 02.07.2020, in the scholarship scam, the informant Inspector Chandra Bhan Singh Adhikari was a member of the

Special Investigation Team. After enquiry, the informant lodged an FIR against Shobhit University, Adarsh Area Gangoh, District Saharanpur, Uttar

Pradesh.

3. Heard Mr. Avtar Singh Rawat, learned Senior Advocate assisted by Mr. Raj Kumar Singh, the learned counsel for the applicant and Mr. T. C.

Agarwal, learned Deputy Advocate General assisted by Mr. V. S. Rathore, learned Brief Holder for the State through video conferencing.

4. Mr. Avtar Singh Rawat, the learned Senior Advocate submitted that the FIR was lodged against Shobhit University; the applicant is not the

Owner/Director of the Shobhit University; the applicant is the Director of Shakumbhari Para Medical College and Research Centre, Badshahi Bag,

District Saharanpur; Shobhit University authorized the applicant to start its own extension centre at the premises of Shakumbhari Group of Institute;

the applicant never demanded any scholarship from the District Social Welfare Officer, Dehradun; an amount of Rs.69,73,100/- was deposited in the

account of Shakumbhari Para Medical College and Research Centre on 15.09.2015, but, on 22.03.2017, the same was returned back by the applicant

to Shobhit University and Shobhit University also returned back that amount to the District Social Welfare Department, prior lodging the FIR; the

applicant never prepared any forged document; a co-accused Ranbir Singh has been granted stay arrest by this High Court; the applicant is in custody

since 06.01.2021; charge sheet has been submitted, therefore, there is no chance of tampering with the evidence.

5. Mr. T. C. Agarwal, the learned Deputy Advocate General has opposed the bail application, however, he fairly admitted that the applicant has

returned all the disputed amount i.e. Rs.69,73,100/- before lodging the F.I.R.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article

21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly

to secure the attendance of the accused.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep

the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view

that the applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction

of the court concerned with the following conditions :-

i) The applicant shall attend the trial court regularly and he shall not seek any unnecessary adjournment;

ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case.

10. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the prosecution will be free to move the court for cancellation of bail.