

CRM-M-28960-2015

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In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:13.10.2015

Dr. Raj Kumar Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Shiv Kumar Sharma, Advocate,
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

Mr. R.S. Rai, Senior Advocate with
Mr. D.S. Brar, Advocate, for the complainant.

SABINA, J.

Petitioner has filed this petition under Section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in FIR No.103, dated 13.08.2015, under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Urban Estate, District Patiala.

Prosecution story, in brief, is that the petitioner had used forged/bogus sports certificates to enable him to get the job of Lecturer in Punjab Government in the year 1991 and then in Director, Physical Education & Sports, Punjabi University, Patiala in the year 2004.

Learned Senior counsel for the petitioner has

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submitted that the petitioner has been falsely involved in this case by the complainant. In-fact, no benefit was given to the petitioner qua the certificates in question. During investigation, petitioner was found innocent. Learned Senior counsel has placed reliance on inquiry report, Annexure P-10.

Learned Senior counsel for the complainant has submitted that in fact the certificates in question were duly attached by the petitioner at the time of filling up the application forms for both the jobs. The certificates in question were found to be forged and fabricated documents.

Learned State counsel who is assisted by Deputy Superintendent of Police P.S. Cheema has submitted that petitioner has joined investigation but he was not co-operating with the investigating agency. Petitioner had failed to produce the original certificates in question. Petitioner is required for custodial interrogation.

Complainant had filed CRM-M-41694 of 2014 seeking a direction for registration of FIR against the petitioner. In the said petition on an application filed by the complainant, on 06.08.2015 following order was passed:-

CRM No.17437 of 2015

Vide order dated 11.12.2014, respondent No.1A is directed to consider and decide the representation dated 30.09.2014 (Annexure P-12) expeditiously,

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which has not been decided so far.

Learned State counsel refers to the communication dated 04.08.2015, addressed to the superior authority and states that on account of the bereavement, representation Annexure P-12 could not be finalised.

Keeping in view the fact that the order was passed on 11.12.2014, the ground taken is nothing else but a shirking of a duty assigned by the Court.

In these circumstances, respondent No.1A is directed to take a final decision on the representation Annexure P-12, within one week from today.

On the other hand, learned Senior counsel submits that statement made the learned State counsel is against the record has already been finalised by the respondent No.1A.

Post again on 17.08.2015.

Copy of the communication dated 04.08.2015, filed in the Court, is taken on record as Mark 'A'.

On 17.08.2015, following order was passed by this Court in **CRM-17437-2015** :-

“Learned counsel for the petitioner seeks to withdraw the present petition as the FIR No.103 dated 13.08.2015 stands now registered against respondent No.5.

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A copy of the FIR filed by the State in the Court, is taken on record.

In view of the admitted proposition, CM has been rendered infructuous.”

In the present case, on 28.08.2015, following order was passed:-

“It is inter alia contended that after the selection of petitioner as Director, Sports, an enquiry was held and it was found that no benefit was given to the petitioner of the certificates for the years 1975-76 and 1977-78 which are stated to be forged. It is further contended that ultimately, it was recommended by the Superintendent of Police, Patiala, that no criminal action should be initiated. However, on the basis of enquiry report dated 15.07.2009 (Annexure P-5), Deputy Inspector General of Police, Vigilance has ordered the registration of FIR.

Notice of motion for 13.10.2015.

Mr. JS Virk, Advocate has put in appearance on behalf of complainant and filed power of attorney in Court today, which be taken on record.

Meanwhile, in the event of arrest of the petitioner, he shall be released on bail by the Arresting/Investigating Officer. The petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

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In the present case, the allegations levelled against the petitioner are serious in nature. The prosecution case is that at the time of applying for the job of Lecturer in the Punjab State in the year 1991 and when the petitioner had applied for Director, Physical Education and Sports, Punjabi University, Patiala in the year 2004, he had placed reliance on two certificates, which were forged and fabricated documents. The effect of the inquiry report, Annexure P-10 would be a matter to be considered during trial. Whether the certificates were considered or not at the time of appointment of the petitioner is not material as what is material is that the petitioner had attached certificates with his applications which were forged and fabricated. Petitioner is required for custodial interrogation.

Although, the petitioner has joined investigation but as per the learned State counsel who is assisted by Deputy Superintendent of Police P.S. Cheema, petitioner is not co-operating with the investigating agency and is required for custodial interrogation. Hence, no ground for grant of anticipatory bail, is made out.

Dismissed.

October 13, 2015
kapil

(SABINA)
JUDGE