

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33196 of 2015

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Date of decision:5.12.2015

Parveen Kumar

.....Petitioner

v.

U.T., Chandigarh

.....Respondent

....

Present: Ms. Indu Bala, Advocate for Mr. Keshav Pratap Singh,
Advocate for the petitioner.

Mr. J.S. Toor, Standing Counsel for U.T., Chandigarh.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.157 dated 7.9.2015 registered for the offences under Sections 420, 467, 468 and 471 IPC at Police Station North, Chandigarh.

Notice of motion has been issued in this case.

Mr. J.S. Toor, learned Standing Counsel for U.T., Chandigarh has put in appearance on behalf of the respondent-U.T. and contested this petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that as per the allegation in the FIR, the present petitioner, who got job as Constable in U.T., Chandigarh on the basis of OBC certificate got prepared the same on false information. It is

also stated that Parveen Kumar is permanent resident of Village Nahari, P.S. Kundli, District Sonapat, whereas he got prepared OBC certificate from Delhi Government issued by the office of SDM Narela/Alipur on the basis of forged documents in collusion with his relative Mahender Singh. It is also the case that at the time of recruitment of Parveen Kumar in U.T. Chandigarh as Constable Jat community of Haryana did not fall in the reserved category of OBC, whereas the Jat community of Delhi used to fall in reserved category and Parveen Kumar in order to take the benefit of OBC of Delhi shown himself to be a resident of Delhi. The case is based on documentary evidence and the prosecution has to prove by leading evidence that the OBC certificate has been got issued with mala fide intention.

The petitioner has already joined the investigation. The petitioner is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 29.9.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 5, 2015.

(Inderjit Singh)
Judge

hsp