

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.42904 of 2014

Date of Decision:16.01.2015

Sunil Chopra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Sameer Sachdeva, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

Petitioner-Sunil Chopra son of Ram Chander, Principal of Shishu Model High School, Jalandhar, has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other main co-accused Rajesh Kumari widow of Joginder Kumar, vide FIR No.203 dated 19.09.2011, on accusation of having committed the offences punishable under Sections 420, 465, 468 and 471 IPC, by the police of Police Station New Baradari, District Jalandhar.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that while Rajesh Kumari, main co-accused of the petitioner, was in the process of obtaining a job in place of her deceased husband, she has produced false Certificate with regard to the proof of her qualification and age. The petitioner was stated to have not produced the original record, pertaining to the year, 1987 in this relevant connection. No other specific role or particular part is attributed to him in the FIR. Not only that, Rajesh Kumari, main co-accused of the petitioner, has already been granted the concession of anticipatory bail, by means of order dated 07.12.2013 (Annexure P-4) by the Additional Sessions Judge, Jalandhar. Therefore, I see no reason not to extend the same benefit of pre-arrest bail to the present petitioner as well, whose case is on better footing than her.

5. Above all, interim bail was granted, to enable the petitioner to join the investigation, by virtue of order dated December 16, 2014 by this Court. At this stage, on instructions from HC Manohar Lal, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation. Moreover, the petitioner is Principal of the School and there is no history of his previous involvement in any other criminal case. Otherwise also, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as

discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by way of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

January 16, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE