

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-43125-2014 (O&M)

Date of decision : 27.08.2015

John Masih

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

Mr. V.M. Gupta, Advocate
for the complainant

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking anticipatory bail in FIR No.781 dated 24.11.2014 under Sections 420/467/468/471 IPC registered at Police City Jagadhri, District Yamuna Nagar.

The facts first, Suresh Martin Chauhan, Manager of St. Thomas School, Jagadhri made a complaint to the police on which the FIR has been registered. The petitioner (accused) had applied for the post of Supervisor and had submitted a Biodata and had enclosed a certificate of Board of School Education, Haryana indicating that he had cleared his Senior Secondary Examination in March 1990. A character certificate issued by Haryana Shiksha Board was also submitted. On the basis of these documents, the petitioner was appointed as Supervisor on contract basis on a consolidated salary for a year. He was also allotted accommodation in the school premises on the condition that in case he leaves, retires or his services terminated, he shall

vacate the premises within a period of 30 days. A communication was received from the Superintendent Board of School Education, Haryana in response to the letter sent by the School that no certificate with the serial number indicated in the application had been issued by the Board to any examinee in the year 1990 and the certificate was bogus and fabricated. The complainant had alleged that the petitioner had played fraud with the school authorities and had entered into their property on the basis of false documents.

The petitioner approached the Additional Sessions Judge seeking anticipatory bail. The petitioner had represented that he had filed a petition under Section 8 of the Indian Arbitration and Conciliation Act. The State had represented that the custodial interrogation was necessary to ascertain the number of persons involved in preparation of forged and fabricated certificates, the Additional Sessions Judge dismissed the application.

The petitioner on the first hearing had presented that the case had been got registered on account of official vendetta. The petitioner was directed to join the investigation and the time was specifically fixed in the Court but on the next date of hearing the Investigating Officer had informed the Court that the petitioner had not joined the investigation. Some more time was sought. The complainant side had appeared and stated that though the petitioner's services had been terminated, he had failed to vacate the premises. Some time was sought by the counsel for the petitioner to inform whether the property had been vacated. Today, it has been stated that the petitioner is still in possession of the property.

Learned counsel for the petitioner contends that a false case has been registered and the petitioner had approached the Church under whom the school is run and he was told that there was no order for vacation of the property and he had join the investigation and no recovery is to be effected

and anticipatory bail to be allowed.

The counsel appearing for the complainant refers to the reply filed by them and states that in order to verify the certificate, the school authorities had sent the certificate for verification and a report had been received that no registration certificate with that serial number had been issued by the Board. The counsel urges that the premises inside the school premises were allotted and the children of the petitioner were admitted in the school on nominal basis and after the discovery of the forgery, the services had been terminated in November, 2014 and the petitioner was engaging them in number of litigation. The counsel further refers to the Contract Act Agreement Annexure R2/1 and states that after termination, the petitioner is unauthorized occupant and a trespasser.

The State counsel submits that custodial interrogation would be necessary to find out the person who were involved in the racket.

The petitioner had gained employment in school on the basis of fabricated certificate. A report in this regard has been received from the Board of Education. The petitioner has not cooperated when he had joined the investigation. The facts are yet to be discovered and it will only come out on interrogation in custody. No fetters can be placed on the Investigating Officers. No case for anticipatory bail is made out.

The petition is dismissed.

August 27, 2015

ps-l

**(ANITA CHAUDHRY)
JUDGE**