

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

**Criminal Misc. No. M-5832 of 2015
Date of Decision:-09.7.2015**

Indraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Kapil Aggarwal, Additional A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.1219 dated 23.12.2014, under Sections 406, 420, 468 and 471 IPC, registered at Police Station City, Sirsa.

Perusal of the FIR shows that there are allegations against the petitioner wherein the complainant Dharam Singh has stated that his son Tarsem Lal has taken admission in 10th class in the Academy and failed in three papers after examination. The petitioner, who is a teacher and resident of Village Suchan Kotli, assured re-evaluation of the papers. When the complainant received the original certificate after re-checking of

the papers found that his son has been shown pass in the 10th examination. However, when this fact was cross checked from the internet, for the purpose of filling of the admission form for higher class, it was found that the said mark-sheet was 'fake'. The complainant further alleged that on inquiry, it is found that many other boys have also been cheated in the similar manner and have been given duplicate certificates.

This Court vide order dated 21.2.2015 has granted interim bail to the petitioner subject to compliance of Section 438(2) Cr.P.C. On 1.5.2015 when the case was fixed for hearing, learned State counsel on instructions from SI Karan Singh stated that though the petitioner has been granted interim bail, but he is not co-operating with the investigating agency.

Faced with the situation, learned counsel for the petitioner undertook to join the investigation once again and to co-operate with the investigation in the case.

Learned counsel for the petitioner submits that the allegations as levelled in the FIR are false as there is a contradiction in the complaint itself. At one point the complainant has stated that it is hand written mark-sheet whereas the certificate shows that it is typed one. He further states that this disputed fact can be established only during the trial.

On the other hand learned State counsel on instructions from SI Mangal Singh states that the petitioner is not only involved in the present case, rather, he has done similar act with other students also. During investigation one other student namely Sunil has made statement under Section 161 Cr.P.C. reiterated the similar allegations.

I have heard learned counsel for the parties.

The complaint of Dharam Singh complainant was inquired into by the District Education Officer and the complaint was addressed to the Deputy Commissioner, Sirsa. The said complaint was received in the police station through the Superintendent of Police, Sirsa. In the report, it transpired that the accused is not regular teacher and has opened his academy to prepare fake certificates like the present one.

Considering the fact that the allegations against the petitioner are serious in nature and further while considering the arguments of learned State counsel that recoveries are yet to be effected from the petitioner, which including the blank mark-sheet/improved mark-sheet etc., the petitioner is not entitled the benefit of concession of anticipatory bail. Moreover, the concession of anticipatory bail is required to be extended in exceptional circumstances. However, the facts of the case does not warrant such exceptional circumstance.

In view of the above, no ground for extending the anticipatory bail to the petitioner is made out.

Dismissed.

July 09, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE