

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19626 of 2016
DECIDED ON: August 12, 2016

RAJ PAL

....PETITIONER..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pushpinder Kaushal, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J.

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, the petitioner has sought pre-arrest bail, feeling apprehension of his arrest in case FIR No.79, dated 06.05.2016, under Sections 420, 467, 468, 471 and 120-B IPC, Police Station Bilaspur, District Yamuna Nagar.

2. The instant case stands registered on the basis of complaint lodged by Ms. Manju Rani alleging that petitioner-Raj Pal has been running a Computer Centre at Bilaspur where he has already been guiding the students regarding education. In the year 2010, she met with the petitioner as she intended to pursue her MA in Social Studies. He asked her to take admission in Shridhar University, Pillani, Rajasthan and also told that he knew one Gulab Singh, who could get the needful done. Accordingly, she paid a sum of ₹21,000/- towards deposit of fee in “Shridhar University”. She, accordingly, got

admission in batch of 2010-12 through the petitioner, who assured that he would get MA degree through aforesaid Gulab Singh. The petitioner used to contact Gulab Singh in her presence and her family, who used to pass on instructions to her. As instructed by the petitioner and Gulab Singh, she appeared in the examination held at the computer centre of the petitioner. Subsequent thereto, she was informed that she has cleared her examination and two mark sheets bearing Sr. Nos.15847817 and 26962734 with Enrollment No.J10MASOC004772272 were handed over to her by the petitioner with assurance that she would get her degree and migration certificate through post. But later on, it revealed that mark sheets supplied to her by the petitioner were fake and bogus, which were not issued by Shridhar University Pillani, Rajasthan.

3. The contention of learned counsel for the petitioner is that a false story has been concocted by the complainant just to involve the petitioner. The real facts are that the husband of the complainant borrowed a sum of ₹40,000/- from the petitioner, which were transferred from his account to the account of the complainant. However, later on, in order to avoid his liability, a false case was got registered by him in connivance with the complainant and the local police. Learned counsel for the petitioner has further contended that the petitioner is not in any way connected with the admission of the petitioner in MA Social Studies or her appearance in the examination. No mark sheet as alleged by the complainant was ever handed over by him to her. Otherwise also, case of the prosecution is merely based upon the documentary evidence and alleged fake mark sheets have already been recovered. The custodial interrogation of the petitioner is not required. Moreover, he is ready to join the

investigation as and when required by the police. He also undertakes to comply with the terms and conditions imposed by this Court, in case, he is granted the concession of pre-arrest bail.

4. On the other hand, learned State counsel has strongly opposed the grant of bail to the petitioner submitting that the complainant was allured by the petitioner to get admission for the completion of MA Social Studies in Shridhar University, Pillani and for that purpose he also received an amount of ₹21,000/- for depositing the same for the admission in the aforesaid University. Not only this, the complainant took the examination in the examination centre of the petitioner and fake and forged certificates were also supplied by the petitioner and one Gulab Singh, who is still at large. Thus, the petitioner does not deserve the concession of pre-arrest bail.

5. This Court has given a deep thought to the aforesaid rival submissions made by learned counsel for the parties and has perused the record available.

6. Undoubtedly, mark sheets alleged to have been handed over by the petitioner to the complainant, on inquiry, were not found to have been issued by Shridhar University. Apart from it, as per learned State counsel, the petitioner has already admitted his involvement in procuring the false mark sheets for the complainant and a conversation to this effect is stated to have been recorded in the CD. Moreover, if there were any financial transaction in between the parties or with the husband of the complainant, the same is independent and it cannot be said that instant case has been falsely registered or that the fake or forged mark sheets were not supplied by the petitioner. The investigation is still in progress and in the above referred circumstances, this Court is of the considered

view that the custodial interrogation of the petitioner is required and further that in the absence thereof, the investigation of the case is likely to be stultified.

7. Taking into consideration the aforesaid aspects, this court does not find any merit in the instant petition. As such, the same is dismissed.

August 12, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No