Sr. No. 209

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-2009 of 2016 (O&M)
Date of Decision: 22.04.2016

Narinder @ Narender

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Manhar S. Saini, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks concession of anticipatory bail in case FIR No.910 dated 08.09.2015, under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code, registered at Police Station Sadar Hisar, District Hisar, Haryana.

Allegations are primarily in the nature of having secured a Government job on the basis of having qualified the State Teachers' Eligibility Test (STET) by way of impersonation.

The entire case made out on behalf of the petitioner is that the selection process in pursuance to which the petitioner had been selected and appointed was assailed in a bunch of writ petitions before this Court and while disposing of such petitions in the light of order and judgment dated 03.08.2015 passed by the learned Single Judge directions were issued to the State to initiate action against

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such persons who were involved in any malpractice after conducting a departmental inquiry.

During the course of arguments, it has gone uncontroverted that the departmental inquiry initiated at the hands of the State Government is still underway. This also explains the situation that services of the petitioner have neither been placed under suspension nor terminated.

Needless to observe that the entire exercise is clearly to unravel the fraud that may have been committed by persons securing appointment by way of impersonation in a STET.

It has also transpired during the course of arguments that the FIR has been lodged on the basis of report of the Forensic Science Laboratory and which itself is not clear as to whether the signatures/thumb impressions of certain candidates tallied with the one which was obtained at the time of taking the examination.

Counsel appearing for the petitioner has adverted to an order dated 21.12.2015 passed by this Court in CRM No.M-40940 of 2015 (Naresh Kumar Vs. State of Haryana) whereby the petitioner therein and against whom there were identical allegations has been granted concession of pre-arrest bail.

Mr. Vivek Saini, DAG Haryana has very fairly stated that in case the petitioner is ready and willing to come forth and to give his signature samples/handwriting samples as also thumb impression to facilitate the same to be cross-checked with the signatures/thumb impression on the answer sheet/admit card, the State would have no objection to grant of concession of anticipatory bail.

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Counsel for the petitioner submits that he has no objection if such course of action is followed.

In the circumstances, in case the petitioner appears before the Investigating Officer on 06.05.2016 and give his sample signatures/thumb impression, the Investigating Officer shall confirm the bail and the petition shall stand allowed and in the event of the petitioner not appearing before the Investigating Officer, the petition would be deemed to have been dismissed.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

22.04.2016 **(TEJINDER SINGH DHINDSA)**
vandana **JUDGE**

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