

CRM-M-25752 of 2016

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

Sr. No. 210

CRM No.M-25752 of 2016
Date of decision: August 23, 2016

Sunita

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ivneet Singh Pabla, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J.

Through the instant petition preferred under Section 438 Cr.P.C., petitioner-Sunita has sought pre-arrest bail, feeling apprehension of her arrest, in case bearing FIR No.100, dated June 08, 2016, under Sections 420, 467, 468 & 471 IPC, registered at Police Station Mullana, District Ambala.

2. The instant FIR has been registered at the instance of Satish Kumar-complainant on the allegations that petitioner has submitted a fake 8th Class Certificate in order to contest the General Panchayat Election.

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3. Learned counsel for the petitioner submits that petitioner is the elected Sarpanch and belongs to Scheduled Caste and in order to contest the Haryana Panchayat Election, as per the latest notification of Haryana Government 5th Class is required. Learned counsel for the petitioner further submits that petitioner submitted 10th Class Certificate of Haryana Open Board, wherein she had re-appeared. Once, the candidate has passed 5th class, he/she can appear in 8th Class Open Board of Haryana and even, if candidate is 8th Class fail, he/she can appear in 10th Class Open Board of Haryana. As per the notification of Haryana Government, petitioner is required to pass 5th class being a Scheduled Caste woman. But Block Development Panchayat Officer (BDPO) is necessitated the petitioner to submit 8th pass certificate. Thus, the petitioner submitted 8th Class Certificate that she obtained in the year 2009 from Uttar Pradesh Board. Counsel submits that BDPO in conniving with the complainant who lost the election, registered the FIR against the petitioner for submitting fake certificate in order to contest the election. Petitioner has been falsely implicated in this case because of political reasons. Petitioner has submitted certificate regarding her qualification as 8th Class pass from Holi Mother Junior High School. The name of the petitioner is mentioned at Serial No.1652 in the register maintained by the School regarding admission and issuance of transfer certificate. No recovery is effected from the petitioner. She is ready to join the investigation and abide by all the terms and conditions imposed upon her, in case, she is granted the concession of pre-

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arrest bail.

4. This court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner and gone through the record available.

5. Case of the prosecution is that the Certificate submitted by the petitioner regarding her qualification of having passed 8th Class, is forged and fabricated, as at Serial No.1652 in the register maintained by the School, there is an entry of Pankaj Kumar son of Kanwar Sain. In the Matriculation Examination Certificate submitted by petitioner in General Panchayat Elections of village Ramgarh, Sub Tehsil Saha, Police Station Mullana, District Ambala, is recorded as 'fail'. It was due to the said reason, BDPO demanded the certificate of 8th Class pass which was submitted by the petitioner. Complainant alleged that the said certificate was forged. During investigation, the matter was investigated, Middle Pass Certificate issued by Holi Mother Public Junior High School, Nakur, Saharanpur (U.P.) was found to have not been issued from said school. Register No.17 of Holi Mother Public Junior High School was taken into possession by the Investigating Officer and it was found that at Serial No.1652, name of student entered is Pankaj Kumar son of Kanwar Sain, village Manakpur, Nakur (Saharanpur). Pankaj Kumar was admitted on July 15, 2009 in 6th Class and as per said entry, he was in 5th Class. As per record, he was promoted to 7th Class on May 25, 2007. Then, he was promoted to 8th Class & remained there with effect from July 01, 2011 to May 25, 2012, he passed 8th Class and Transfer Certificate was issued to

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him.

6. Surprisingly, in the photocopy of the Certificate produced by the petitioner name of Sunita-petitioner is also entered at Serial No.1652.

She was also admitted on July 15, 2009 and promoted to 7th Class on May 25, 2010 and transfer certificate was also issued to her. There is no evidence on record to show how she had gone from Naharpur, Tehsil Jagadhri, District Yamuna Nagar to Holi Mother Junior High School, Nakur, Saharanpur (U.P.) for studying in 8th Class only.

7. As per the contention of learned counsel for the petitioner, petitioner did her earlier schooling from Government High School, Naharpur. She passed 5th Class on March 31, 2005. However, there is no document to show that petitioner was a student of Government High School, Naharpur at any point of time.

8. During investigation, the investigating Officer collected copy of the Nomination Form along with other documents submitted by the petitioner and it is revealed that she filed an affidavit mentioning that she is 10th Class pass. She submitted three affidavits with Nomination Form, but none of the affidavits bears her signatures. However, it bears stamp and signatures of Notary Public. It is strange that Notary Public had attested these affidavits without getting the same signed from petitioner-Sunita.

9. In support of her qualification, petitioner attached certificate dated April 30, 2009, which shows that she appeared in Matriculation Examination from Haryana Open School. Appearing in 10th Class Exams from Open Board does not mean that she had passed 8th Class and as per

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Haryana Panchayati Raj Act of 2015, necessary qualification for a woman belonging to Scheduled Caste and contesting for the Post of Sarpanch, was Middle Pass. During investigation, it came to light that the Certificate submitted by the petitioner regarding her qualification of having passed Middle Class, is forged and fabricated.

10. Thus, this court is of the considered view that custodial interrogation of the petitioner is necessary, so as to ascertain from where she got the forged and fabricated Certificate and who are the other persons involved in preparation of this Certificate.

11. In the light of what has been discussed above, there is no merit in the instant petition and the same is dismissed.

August 23, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No