

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 33822 of 2016
Date of decision: 13.12.2016

Vimal Joshi

Petitioner

VS.

State of Haryana

Respondent

Present: Mr. Vishal Malik, Advocate.
Mr. CS Bakshi, Addl.A.G. Hry

M.M.S.BEDI,J.

The petitioner was allegedly selected on 17.9.2012 for the post of Professor of Law in a Law College in Khanpur despite the fact that he did not fulfill the eligibility condition for having 11 Publications in Referred Journals. He allegedly hatched a conspiracy with the University Authorities and had shown 11 Publications in the Referred Journals but as per the RTI information received by complainant Sultan Singh, the publications were allegedly forged. The petitioner is alleged to have been selected despite his ineligibility, in a fraudulent manner.

On the instructions of the investigating officer, learned State counsel informs that the petitioner has joined the investigation but the petition for pre-arrest bail is contested on the ground that the petitioner on the basis of fake documents has obtained the post of Professor. It has also been argued that the custodial interrogation of the petitioner is required, as the original documents indicating the eligibility of the petitioner, are yet to be recovered.

I have considered the facts and circumstances of the case. On asking of the court, it has been informed that no departmental proceedings have been initiated against the petitioner. The locus standi of the complainant will certainly be a debatable issue while determining the

culpability of the petitioner. It does not appear to be a case of custodial interrogation.

Accordingly, the petition is allowed and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that the petitioner will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation. The petitioner will not leave India without the permission of the court.

In case of violation of any of the conditions, it will be open to the prosecution agency to seek cancellation of this order.

Nothing said in this order will prejudice the proceedings, if any, initiated against the petitioner at departmental level.

December 13 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No