

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

***CRM No.M-4472 of 2016 (O&M)
Date of Decision: 28.04.2016***

Rishi Pal ... Petitioner

Versus

State of Haryana ... Respondent

***2. CRM No.M-8244 of 2016 (O&M)
Date of Decision: 28.04.2016***

Pawan Kumar ... Petitioner

Versus

State of Haryana ... Respondent

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

Present:- Mr. O.P. Kamboj, Advocate for
Ms. Gurjeet Kaur, Advocate for the petitioner
(in CRM No.M-4472 of 2016).

Mr. O.P. Kamboj, Advocate for the petitioner
(in CRM No.M-8244 of 2016).

Mr. Vivek Saini, DAG, Haryana.

....

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-4472 of 2016 (Rishi Pal Vs. State of Haryana) and CRM No.M-8244 of 2016 (Pawan Kumar Vs. State of Haryana) as both these petitions have been filed seeking concession of pre-arrest bail to the petitioners in FIR No.48 dated 17.03.2015, under Section 468 IPC, registered at Police Station Chhappar, District Yamuna Nagar.

On 08.02.2016, while issuing notice of motion in CRM No.M-4472 of 2016, the following order was passed by this Court:

*“Petitioner seeks concession of pre-arrest bail in case
FIR No.48 dated 17.03.2015, under Section 468 of Indian*

Penal Code registered at Police Station Chhappar District Yamuna Nagar, Haryana.

Counsel would submit that accusations against the petitioner is with regard to having procured recruitment in the Indian Army in Sikh LI Regiment on the basis of a forged caste certificate belonging to a Sikh Ramdasia Caste.

Counsel would contend that all the documents pertaining to such allegations are already in possession of the police authorities or with the employer i.e. Army Authorities and against the backdrop of such allegations, custodial interrogation would not be warranted.

Notice of motion, returnable for 28.04.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Likewise, the notice of motion order dated 11.03.2016 passed in CRM No.M-8244 of 2016 reads as follows:

“Counsel would place reliance upon the order dated 8.2.2016 passed by this Court in CRM No. M-4472 of 2016 to contend that co-accused Rishi Pal and against whom there were identical allegations, has been granted ad interim protection as regards arrest by this Court. Counsel has further pointed out that in the order passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhari dated 19.2.2016 even though, it has been noticed that co-accused has been granted interim protection, yet, such aspect has simply been brushed aside by only referring to the earlier order passed by the Court, whereby bail application was dismissed on 16.11.2015.

Notice of motion, returnable for 28.4.2016.

To be listed along with CRM No. M-4472 of 2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from SI Ramesh Kumar would apprise the Court that the petitioners in these two connected petitions have since joined investigation. It is further submitted that no recovery is to be effected from them and the documents in question are already in the possession of the Investigating Agency/relevant department.

In the light of such circumstances, custodial interrogation of the petitioners would not be warranted.

Both the petitions are allowed. Orders dated 08.02.2016 in CRM No.M-4472 of 2016 and 11.03.2016 in CRM No.M-8244 of 2016 passed by this Court are made absolute.

Disposed of.

28.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**