

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-10636 of 2017 (O&M)
Date of Decision: 03.04.2017

Bharti Sharma

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Munish Behl, Advocate for the petitioner.

Mr. R.K. Saini, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

CRM No.11396 of 2017

Application is allowed as prayed for.

The certificate at Annexure P-5 is taken on record.

Main Case

The instant petition has been filed under Section 438 Cr.P.C seeking concession of anticipatory bail to the petitioner in case FIR No.127 dated 09.07.2016 registered under Sections 420, 467, 468, 471 I.P.C at Police Station, Mullana, District Ambala.

In a nutshell, it may be noticed that the FIR came to be registered on a complaint moved by Surender Kumar alleging that the present petitioner namely Bharti Sharma has contested the election for the post of Sarpanch on the strength of a fake 10th Class certificate.

It is not in dispute that the minimum essential educational qualification for a lady to contest for the post of Sarpanch is 8th class qualified.

Counsel for the petitioner would place heavy reliance upon a certificate placed on record at Annexure P-5 issued by Daya Ram Public School, Fatehabad to contend that the petitioner is 8th class pass and as such, the issue as regards authenticity of the 10th class School Leaving Certificate that the petitioner has appended along with the nomination form would be of no consequence. In the same breath, however, it has been conceded that the 8th class pass certificate at Annexure P-5 was not appended by the petitioner along with the nomination form.

Counsel appearing for the complainant has apprised the Court that in pursuance to the complaint lodged by Surender Kumar an inquiry has been got conducted by the police authorities. In such inquiry the 10th class School Leaving Certificate appended by the petitioner along with the nomination form, has been found to be false. That apart, it is submitted that even the 8th class certificate at Annexure P-5, even though, not attached with the nomination form is also fake and forged. To substantiate such assertion counsel for the complainant has during the course of arguments furnished documents that are print outs from the website of Central Board of School Education, New Delhi as also of the school which would prima facie indicate that the school in question i.e. Daya Ram Public School came into being and was opened only in the year 2003 or thereafter. The certificate that has been relied upon by the petitioner at Annexure P-5 on the other hand reflects the petitioner to have qualified the 8th class during session 2001-2002.

On the face of it the allegations contained in the FIR appear to be well founded.

The allegations are serious in nature. Apparently, the petitioner has contested for the post of Sarpanch on the strength of documents/certificates as regards possessing educational qualification, which are under the scanner.

These are matters which require a detailed and thorough probe and may well warrant custodial interrogation of the petitioner as well.

For the reasons recorded above, this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

03.04.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No