

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

**Crl. Misc. No.M-15553 of 2017 (O&M)
Date of Decision: September 19, 2017**

Sajja

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Lamba, Advocate with
Mr. Saleem Ahmed, Advocate
for the petitioner (s).

Mr. Deepak Grewal, D.A.G. Haryana.

Mr. Gautam Dutt, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.99 dated 03.07.2016 registered for the offences punishable under Sections 420, 468, 471 read with Section 120-B of Indian Penal Code, at Police Station Bahin, District Palwal.

Heard.

Petitioner was elected as Sarpanch. Her mark-sheet and school leaving certificate of Junior High School Examination, 2000 (Annexure P-7) submitted by her to show that she had passed middle class examination, were found to be fake. The same were got verified by Collector, Palwal

through District Education Officer, Palwal, who contacted Primary Education Officer, Meerut. On inquiry, it was apprised that the petitioner was shown as admitted in Dr. Ambedkar Junior High School, Rithani on 15.12.1999. However, on checking of the admission register and the attendance registers, it transpired that the admission of the petitioner is recorded at serial No.1497 but in the attendance register name of petitioner was nowhere find mention and she had never remained a student of the school in class 8th. In the result sheet of 8th class of the year 1999-2000 also name of petitioner was nowhere found mentioned. The certificate (Annexure P-5) on verification was found to be fake and not signed by the Principal of the school or counter signed by the concerned office. On receipt of the report, the instant FIR was registered.

Learned State counsel has argued that police has verified that there was no Education Board for class 8th in Uttar Pradesh in the year 1999, so, there is no gazette notification pertaining to the school where the petitioner had allegedly taken admission. He further submits that petitioner was got elected on a very important and responsible public post by giving fake documents regarding her educational qualification. She has not only misled the election officer but also the public who voted for her on her representation that she is possessing a particular educational qualification. During investigation, police has recorded the statement of Principal of the school who has denied his signature on the transfer certificate and the mark-sheet. Statement of Block Education Officer of Meerut was also recorded, who stated that both these documents submitted by the petitioner about her educational qualification were forged and stamp on the certificate was also

fake. District Education Officer, Palwal has also conducted detailed inquiry in the matter on the direction of Collector and has submitted a report that the petitioner has furnished fake documents regarding her educational qualification. Charan Singh, Clerk of Dr. Ambedkar School from which these documents were got issued by tampering the record was arrested in this case for forging transfer certificate and mark-sheet and other record of the school. The police has also verified from the specimen mark-sheet which was being issued that such type of mark-sheet relied upon by the petitioner was never issued by the school and the total marks of 8th class were 1375 and not 650 as mentioned in the mark-sheet submitted by the petitioner.

Learned counsel for the petitioner has argued that entire case is based on documentary evidence which are in possession of police. Custodial interrogation of the petitioner is not required. Even otherwise, the name of petitioner is recorded in the admission register of the school and there is no reason to discard the transfer certificate (Annexure P-6) issued by Dr. Ambedkar Junior High School, Rithani and mark-sheet (Annexure P-7) showing her as middle pass. Specimen mark-sheet which investigating officer has relied is of recent years and not of 1999-2000.

On giving a careful thought to the submissions of counsel for the petitioner, learned State counsel assisted by learned counsel for complainant and on perusal of the police file and documents, I find that at this stage, police has collected ample material to suggest that transfer certificate, mark-sheet submitted by petitioner in support of her educational qualification are fake documents. Her name is missing in the attendance

register of class-8 of the concerned school and also from the result sheet of 8th class of the relevant period. The concerned clerk of the school who helped the petitioner in preparing these documents has also been arrested. Statement of Principal of the school has been recorded, who has denied his signatures on school leaving certificate (Annexure P-5) and also issuance of mark-list (Annexure P-7). Even the office stamp on mark-list was found fake.

Keeping in view the above facts and circumstances, I do not find it to be a fit case where the discretionary power of this Court to extend the benefit of pre-arrest bail to the petitioner should be exercised. It is a case which call for thorough investigation to find the culprit who connived to fabricate school record and in creation of fake documents.

This petition has no merits. Dismissed.

September 19, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***