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

CRM-M-21712 of 2016

Date of decision: May 11, 2017

Pankaj Bhalla

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Ms. Alka Chatrath, Advocate for
Mr. Mandeep Singh Khillan, Advocate the petitioner.

Mr. A.S. Yadav, AAG Haryana.

Mr. P.S. Hundal, Advocate for respondent No.2.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.328 dated 27.04.2016, under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Civil Lines, Karnal, the petitioner seeks anticipatory bail. This Court had made an order dated 23.06.2016 granting *ad interim* anticipatory bail to the petitioner.

Respondent No.2 had lodged FIR with the police station concerned against the petitioner stating therein that the petitioner was working in their School from 01.08.2014 to 10.08.2015 as a Teacher and thereafter, as a Principal from 11.08.2015 to 22.01.2015. It is stated in the FIR that respondent No.2 found photocopy of transfer certificate dated 10.08.2015 of one Kalawati and the same was signed by Pankaj Bhalla-petitioner. That in respect of one Pooja, 3 pages of TC book were

missing and that respondent No.2 was confident about the petitioner taking away those papers and issuing illegally transfer certificates to Kalawati to facilitate her to contest election. Police registered the FIR in question accordingly.

Learned counsel for the petitioner submits that since the petitioner had left the School after resignation as the petitioner did not agree to become party to the fraudulent activity of respondent No.2, the FIR has been lodged against the petitioner in order to take revenge. Learned counsel invites my attention to Para 4 of the affidavit dated 20.02.2017 filed by the petitioner. I quote the said Para 4 as under:-

“4. That since the deponent refused to become the part of irregularities being committed by the school authorities and left the school on 28.01.2016 and had made a complaint dated 25.03.2016 to Inspector General of Police regarding the irregularities being committed by the School authorities. Since the deponent had made a complaint against the Director, the Director got an FIR registered against the deponent, as a counter-blast. Further, it is relevant to mention that the school was allotted land by HUDA for construction of a Primary school whereas the school authorities are running a Senior Secondary School on the said land which is in violation of the land allotment letter issued by HUDA and in pursuance of the complaint made by the deponent, an inquiry has been initiated against the school authorities.”

Learned counsel for the petitioner submits that at any rate, the issuance of transfer certificates was made as alleged after the same was prepared by the Incharge on the persons and it was the only counter signatures on them of the petitioner. In this behalf, attention is invited to

Para 2 of the above said affidavit of the petitioner. I quote the said Para 2 as under:-

“2. That the FIR has registered by alleging that the deponent has issued a Transfer Certificate dated 10.08.2015 to one Ms. Kalawati. The perusal of the said certificate clearly shows that it bears signatures of two other persons i.e. (i) Class Incharge Pooja and the signature of the School Clerk, who are working in the school but they have not been named in the FIR. The FIR has been registered by stating that there is no record of this student in the school, whereas, the Management of the school has been the custodian of the record of all the students. The said transfer certificate was counter signed by the Block Education Officer, Nising at Chirao on 31.12.2015, which was counter signed by the Block Education Officer after perusing the record of the said student from the school record and the attestation entry has been made at Sr. No.50 in the office of the Block Education Officer, Nising at Chirao. The certificate has been counter signed by the Section Officer, CBSE, Panchkula as the said school is affiliated to the CBSE. Since the certificate has been verified by the Block Education Officer, Nising and by the Section Officer, CBSE, Panchkula. Therefore, the authenticity of the certificate cannot be disputed. The disputed transfer certificate also bears the signatures of Class teacher and has been checked by school authorities besides bearing the signatures of School Principal dated 10.08.2015. The said certificate, as per procedure, has been counter-signed by the Section Officer, CBSE on 13.10.2015 and the certificate has also been verified by the Block Education Officer, Nising at Chirao on 31.12.2015. The certificate has been verified by the competent authorities after seeing the record, then how the version of Director that no record is available which

record was in the custody of the school, could be trusted as the deponent had left the school on 28.01.2016.”

The petitioner has been on *ad interim* bail since 23.06.2016 as per the interim order of this Court. It is over a period of one year now that the petitioner has admittedly joined the investigation. Looking to the FIR, it is clear that the entire records are with the institution-respondent No.2. In other words, nothing is to be recovered from the petitioner. The petitioner is a Teacher by profession and there is no reason why the relief of grant of anticipatory bail to him should be refused, in the above factual background. It appears that respondent No.2 made mountain out of mole because of the complaint filed by the petitioner earlier against respondent No.2-Management. At any rate, since the petitioner has joined investigation, with a further direction to join him investigation, if required and also by giving sample of his hand-writing, if required, interim order made by this Court deserves to be confirmed.

In that view of the matter, interim order dated 23.06.2016 granting *ad interim* anticipatory bail to the petitioner, is made absolute.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

May 11, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No