

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

1. CRM-M No.21743 of 2017 (O&M)

Kulbir Singh

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.23600 of 2017

Brij Mohan

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 29th September, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mrs. Baljit Mann and Mr. J.S. Hooda, Advocates
for the petitioners.

Mr. Nischal Mann, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Since both these regular bail applications under Section 439 Cr.P.C. one by petitioner Kulbir Singh and the other by Brij Mohan have arisen out of the same very FIR bearing No.660 dated 30.11.2014 under Sections 420/120-B IPC pertaining to Police Station Camp Palwal, District Palwal, are thus being taken up together for disposal for the sake of brevity.

Brief allegations brought to the notice of this Court by learned State counsel are that District Education Officer, Palwal had

made a complaint that Parashar Senior Secondary School which was founded by Atul Parashar in the year 1993 had secured affiliation for running classes upto 10th standard in the year 2002 for which aid by the State was disbursed till the year 2009. It is alleged that the petitioners were instrumental in starting another school by the same very name themselves at some distance from the original school and had been using affiliation certificate of the previous school.

Contentions of learned counsel for the petitioners are that neither the alleged certificate of affiliation is forged nor fabricated and is in the name of Parashar Senior Secondary School, Palwal and at this juncture it cannot be assumed which of these two schools is having affiliation and the very element of cheating is sought to be put to doubt.

Though learned State counsel has sought to oppose the relief on the grounds of accused having cheated the students and caused loss to them.

Appreciating the submissions, it is own stand of the State that the certificate being used was in that very name and was never forged and that the petitioners are behind bars since 08.02.2017 and a debatable issue having arisen as to the very applicability of provisions of Sections 420/120-B IPC together with the fact that investigation and trial are not likely to conclude in near future, impels this Court to allow the relief. Accordingly, both the petitioners are ordered to be released on regular

bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate,
Palwal.

Both these petitions stand disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

September 29, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No