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

CRM-M-27826 of 2017

Date of decision: October 27, 2017

Hamir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate for the petitioner.

Mrs. Tanisha Peshawaria, DAG Haryana.

Mr. Raghav Sharma, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner who is a retired Head-Master in a School, at the age of 60 years seeks anticipatory bail in FIR No.05 dated 02.06.2017, under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, 1860 and Section 13(1)d of Prevention of Corruption Act, 1988, registered at Police Station S.V.B. Ambala. This Court had made an order dated 01.08.2017 granting *ad interim* anticipatory bail to the petitioner.

The allegation made against the petitioner by the whistleblower is that the petitioner had submitted a forged certificate of M.A. in Mathematics for getting promotion in the year 1997.

Learned counsel for the complainant vehemently opposed the plea for grant of anticipatory bail to the petitioner on the ground that there are number of employees numbering 82 who had produced forged degrees from Magadh University, Bodh-Gaya, Bihar. He, therefore, has an

apprehension that grant of anticipatory bail in favour of the petitioner may also come in the way of the prosecution in the cases where recently the forgery was made.

Learned State counsel also submitted that the recovery of M.A. degree certificate is required to be made.

Learned Senior counsel for the petitioner has pointed out my attention to Annexure P-8, in which it is stated that the original documents are with the Sub-Divisional Education Officer, Naraingarh.

In that view of the matter, looking to the said documentary evidence, the submission will have to be rejected. That apart, this Court cannot ignore the fact that the petitioner has superannuated from the service at the age of 60 years serving for a long period and was initially appointed in the year 1986 and got promoted in the year 1997. The delay of 20 years in lodgment of FIR against the petitioner is itself a ground to grant anticipatory bail to the petitioner. In so far as the recovery of document despite Annexure P-8 is concerned, in my opinion, the prosecution can definitely obtain such document/certificate in duplicate or as the case may be from the concerned university, but that cannot be a ground to deny the relief of anticipatory bail to the petitioner.

In that view of the matter, interim order dated 01.08.2017 granting *ad interim* anticipatory bail to the petitioner, is made absolute.

Petition stands disposed of.

(A.B. CHAUDHARI)
JUDGE

October 27, 2017

mahavir

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No