

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-39821 of 2017
Date of Decision: 31.10.2017**

Geeta Rani

....Petitioner

VERSUS

State of Haryana

....Respondent

2. CRM-M-39880 of 2017

Ranbir Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikram Singh, Advocate
for petitioners in both the petitions.

Mr. Pankaj Bali, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 305 dated 18.08.2017 registered for offences punishable under Sections 420, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Madhuban, District Karnal.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

FIR was registered on the complaint of Ram Chander son of Bhani Ram, wherein he has stated that petitioner-Geeta Rani in CRM-M-39821-2017 contested the election of *sarpanch* of village Ghogaripur, District Karnal and alongwith her nomination form, she had annexed a certificate showing her as 9th class drop out. Complainant raised objection but petitioner-Geeta Rani was allowed to contest and she won the election. In the inquiries conducted by various authorities, it was found that petitioner was not possessing required qualification i.e. Middle class examination pass for contesting the election of *sarpanch*.

Allegation against petitioner-Ranbir Singh in CRM-M-39880-2017 are to the extent that he has connived with his wife (Geeta Rani) in forging the documents.

FIR was registered in this case on 18.08.2017 and both the petitioners were arrested on 07.10.2017. Before their arrest a report was called regarding transfer certificate produced by petitioner-Geeta Rani from DAV Girls Sr. Secondary School, Sadar Bazar, Karnal and the Principal of School verified that this certificate had been issued as per school record. However, the school had lost the record of students, who at that time had appeared in Board examination. The police without any further inquiry arrested both the petitioners on 07.10.2017. On perusal of police file, I find that school leaving certificate, which shows that petitioner-Geeta Rani was studying in 9th class at the time of her leaving the school, has been found to be genuine. The mere fact that school was not having the record concerning appearance of petitioner-Geeta Rani in examination of 8th Class, cannot be a circumstance, which could be taken against her to draw an inference that she has not passed the 8th Class examination. The police was required to

have a positive and direct evidence in this regard, but it appears that it was in hurry to arrest both the petitioners. Even there is no document on police file so far which has been forged by petitioner-Geeta Rani in connivance with her husband Ranbir Singh petitioner in CRM-M-39880-2017 and investigation to this effect is stated to be still pending.

Keeping in view above facts, but without expressing any opinion on merits of the case, present petitions are allowed. Petitioners, namely, Geeta Rani in CRM-M-39821-2017 and Ranbir Singh in CRM-M-39880-2017 are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

October 31, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No