

Crl. Misc. No. M-23377 of 2018

Date of Decision: July 19, 2018

Satish Rana

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sant Lal Barwala, Advocate
for the petitioner

Mr. Satish Saini, AAG Haryana

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Sudhir Mittal, J. (Oral)

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 139 dated 30.04.2017, registered under Sections 420, 468, 471 IPC at Police Station City Dadri, District Dadri.

The allegation against the petitioner is that he has submitted fake copies of his secondary school examination certificate as well as the senior secondary examination certificate.

Learned counsel for the petitioner submits that the documents given by the Army Authorities are in custody of the police and no recovery is to be effected and, thus, the petitioner deserves to be granted anticipatory bail.

The argument of counsel for the petitioner is opposed by learned State counsel. He submits that the originals are with the petitioner and only photocopies had been submitted by him with the Army Authorities. The originals are required for the purpose of investigation and, therefore, anticipatory bail be not granted to the petitioner.

From the photocopies available with the police, the prosecution can obtain the details from the concerned school authorities/school Board and the said record would be sufficient to prosecute the petitioner even if he does not hand over the originals available with him. Thus, the custodial interrogation of the petitioner is not required in this case.

In view of the above, the petition is allowed and it is directed that in the event of arrest of the petitioner, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer/Investigating Officer/SHO concerned subject to his compliance of the provisions enshrined under Section 438(2) Cr.P.C. He is further directed to join investigation as and when directed by the Investigating Officer and to cooperate therewith.

July 19, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No