

Sr. No.206
**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-25721 of 2017 (O&M)

Date of Decision: 21.02.2018

Hem Raj

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Balram Singh, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.74 dated 20.04.2017, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station City Phagwara, District Kapurthala.

On 09.08.2017, the following order was passed by this Court:-

“Allegation against the petitioner is that he had appeared before the Magistrate, who issued "Low Income Group Certificate" in favour of Hitesh Suman and Kunish Suman. While appearing before the Magistrate, he had impersonated as father of Hitesh Suman and Kunish Suman. Complainant-Kamlesh was also found involved in this offence and the police is also proceeding against her in due

course.

Learned State counsel on instructions from ASI Ram Lal submits that by producing the "Low Income Group Certificate", the fee concession of Hitesh Suman and Kunish Suman was taken by the petitioner, who is their uncle.

The Investigating Officer will apprise about the total benefit of fee concession taken by Hitesh Suman and Kunish Suman, which learned counsel for the petitioner has undertaken to deposit with the Government.

List on 27.10.2017.

In the meanwhile, the petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him."

Learned State counsel upon instructions from ASI Ram Lal has apprised the Court that the petitioner has since joined investigation.

That apart the Court has been informed that the investigating agency had assessed the total benefit of fee concession taken by Hitesh Suman and Kunish Suman on the strength of 'Low Income Group Certificate' to be Rs.1,51,140/- and a draft towards such amount has been deposited by the petitioner

with the investigating officer.

In view of the above and the petitioner having already joined investigation, the prayer made in the instant petition is accepted.

At this stage, counsel submits that the draft furnished to the Investigating Officer is in the name of Director Welfare SC and BC and Minorities, Chandigarh.

Since the matter is stated to be at the stage of investigation, Investigating Officer is directed to forward the draft to the Director in whose name the draft has been drawn. The amount in question would be put in a Fixed Deposit carrying highest rate of interest and would be subject to outcome of the investigation/trial.

Order dated 09.08.2017, passed by this Court, is made absolute.

Disposed of.

21.02.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No