

CRM-M-2978-2018 &

CRM-M-8003-2018

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

1. CRM-M-2978-2018

Suresh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

2. CRM-M-8003-2018

Mukesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of decision :-30.4.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAN

Present : Mr.Ferry Sofat, Advocate
for the petitioner in **CRM-M-2978-2018**.

Mr.Krishan Singh, Advocate
for the petitioner in **CRM-M-2978-2018**.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-2978-2018** filed by petitioner – Suresh Kumar and **CRM-M-8003-2018** filed by petitioner Mukesh Kumar, both of them being accused in FIR No.34 dated 7.2.2017, under Sections 420, 467, 468, 471, 120-B IPC, registered with Police Station Ambala Cantt., District Ambala.

Briefly stated, the prosecution story is that the petitioner – Suresh Kumar being Proprietor/Principal of Arya Senior Secondary School, Kanheri (Fatehabad) had forged the record of his school to issue School Leaving Certificate to co-accused Randeep Singh by giving wrong date of birth, who by using such certificate tried to get himself recruited in the Indian Army but was unsuccessful.

Whereas allegations against petitioner Mukesh Kumar are that he being employed in Maharana Partap Senior Secondary School, Nagal, District Yamuna Nagar had issued a School Leaving Certificate for class 8th in favour of co-accused Ajay Kumar by mentioning his date of birth as 24.6.1997 by forging the record of the school, whereas his actual date of birth is 24.6.1993. As a matter of fact he was authorized by the proprietor of the school to give admission after verifying the documents. The plea of the petitioner is that Ajay Kumar had come to the school of the petitioner for getting admission in 8th class and brought a certificate of 7th class from National Senior Secondary School, Babain, District Kurukshetra issued on 31.3.2009 and his date of birth was entered in the school of petitioner on the basis of such date of birth mentioned in the School Leaving Certificate

issued by National Senior Secondary School, Babain.

The Army authorities engaged in recruitment process found that 20 candidates had produced certificates containing wrong information. On information being given to the police, formal FIR was registered.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Ambala. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records and I do not find any merits in the present petitions.

Learned counsel for the petitioner Suresh Kumar has submitted that the petitioner has not committed any wrong. The student was admitted on the basis of affidavit furnished by father of the student regarding his date of birth. After taking admission the student studied for five years and then left the school. The School Leaving Certificate was issued on the basis of such admission record, therefore, the petitioner has not committed any offence.

Whereas learned State counsel has vehemently contended that things are not that simple as are being put forward by the learned counsel for the petitioner Suresh Kumar. The certificate in question containing wrong information with regard to date of birth had been intentionally issued

by the petitioner Suresh Kumar to enable Randeep Singh to get himself recruited in the Indian Army, which otherwise he would not have been able to do, in that way making an attempt to facilitate the entry of a person in Indian Army, when otherwise he was ineligible, thus playing with the national security and no leniency should be shown to him and his custodial interrogation is required to unearth the complete scam.

After hearing the rival contentions of learned counsel for the parties, I find that admittedly, the petitioner Suresh Kumar had issued School Leaving Certificates to Randeep Singh containing information, which was factually false. He has committed a serious offence. He could not explain as to who attest the affidavit said to have been furnished by father of the student what other documents were authorized to mention the date of birth of the student in the record of Arya School Secondary School, Kanheri. It is not explained as to what document regarding date of birth of the student and previous education was furnished had been furnished.

As regards petitioner Mukesh Kumar, while being interrogated co-accused Ajay had stated that he had procured the certificate from petitioner by paying Rs.35,000/-. Furthermore, it is to be taken into view that school of petitioner is located at Yamuna Nagar, whereas Ajay has got his residence at village Ramsaran Majra, Police Station Babain said to be at a distance of 50 kms. away from the school of the petitioner.

Custodial interrogation of the petitioners is definitely required for complete and effective investigation so as to find out as to under what circumstances they had prepared such certificates and which persons had

helped him in doing so. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petitions, the same stand dismissed.

30.4.2018
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(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**