

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

CRM-M-7583-2018 (O&M)

Date of decision:04.04.2018

Sangeeta Devi

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Ram Kumar Saini, Advocate for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case F.I.R. No.123, dated 11.04.2017, under Sections 420/465/467/468 IPC, registered at Police Station Kurukshetra Uiniversity, Kurukshetra.

Instant petition came up for preliminary hearing on 22.02.2018 and while issuing notice of motion, the following order was passed by this Court:

“Petitioner seeks concession of anticipatory bail in case FIR No.123, dated 11.04.2017, under Sections 420/465/467/468 IPC, registered at Police Station Kurukshetra University, Kurukshetra.

Counsel submits that petitioner had appeared in B.A. final year Examination of Kurukshetra University in April, 2003 under Roll No.427466. The original Detailed Marks Certificate (DMC) was lost and accordingly, she had applied for a duplicate DMC on 28.06.2016.

Present FIR has been registered on the complaint of Ram Lal, Assistant Registrar, Kurukshetra University on the allegations that while applying for the duplicate DMC, she had

mentioned as regards having obtained 600 marks whereas she had actually secured 475 marks.

It is argued that the duplicate DMC was never issued by the University and under such circumstances, custodial interrogation of the petitioner would not be warranted as she is otherwise ready and willing to join investigation.

Notice of motion, returnable for 04.04.2018.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Even though, Court has been informed that the petitioner has since joined investigation, yet having heard counsel for the parties today and having perused the original record furnished by learned State counsel, this Court is not inclined to extend in favour of the petitioner concession of pre-arrest bail.

Brief facts may be noticed.

Petitioner had appeared in the B.A. final year examination of Kurukshetra University in April 2003 under Roll No.427466. She had secured a total of 162 marks and was declared as having been passed the examination.

Learnd State counsel, who is on instructions from ASI Bijender Singh has furnished for perusal of this Court the original application form submitted by the petitioner to the University for issuance of a duplicate Detailed Marks Card (DMC) dated 28.06.2016. In such application, petitioner indicated her marks secured in the B.A. Final year examination to

be 660 out of 1200.

Counsel representing the petitioner does not dispute the filing of the application for issuance of a duplicate DMC as also having indicated her marks as 660 out of 1200.

Apparently, it is during the course of processing of such application submitted by the petitioner that it came to the notice of the complainant/University that there has been tampering even in the original record maintained by the University and which reflected that there has been overwriting/interpolation and the marks secured by the petitioner initially reflected as 162 have been changed to 347 and the total having been reflected as 660 out of 1200.

Learned State counsel has informed the Court that the petitioner herself had been engaged as a Clerk on a contractual basis with the University in the month of December, 2015. Her duty had been assigned to be in the Examination Branch. Even though, petitioner is not stated to be working in the University as of date but it is the conceded position of fact that on the date of submission of the application seeking duplicate DMC i.e. on 28.06.2016, petitioner was serving in the University Examination Branch on the post of Clerk, be it on contractual basis.

Contention raised by learned State counsel is that petitioner herself had access to the record in question and she herself was a part of the mischief insofar as tampering is concerned.

At this stage, learned counsel representing the petitioner would raise a submission that petitioner had indicated her marks in the B.A. examination to be 660 in the application dated 28.06.2016 seeking duplicate DMC on the basis of information supplied by certain other employees of the

University. To fortify such contention, counsel submits that even a complaint dated 14.10.2017 had been lodged by the petitioner before the Senior Superintendent of Police, Kurukshetra.

Even such submission does not inspire confidence. The FIR in question is dated 11.04.2017. The complaint, if any, filed by the petitioner on 14.10.2017 was clearly an after thought and an exercise of cover up.

Even the original record maintained by the University pertaining to marks secured by the petitioner in the three years of the graduation degree has been produced by the learned State counsel and the same has also been perused. There is a clear altercation/interpolation in the marks.

In the totality of circumstances, this Court is of the considered view that the matter needs a thorough probe. The allegations are serious in nature. To unearth the real truth, custodial interrogation of the petitioner may be warranted.

Petition is dismissed.

04.04.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No