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CRM-M-7855-2018 (O&M)
CRM-M-11146-2018 (O&M)

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

(1)

CRM-M-7855-2018 (O&M)

Date of Decision:-12.10.2018

Anu Batta

... Petitioner

Versus

Union Territory Chandigarh

... Respondent

(2)

CRM-M-11146-2018 (O&M)

Anup Khullar

....Petitioner

Versus

Union Territory Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pradeep Virk, Advocate,
for the petitioner in CRM-M-7855-2018.

Mr. Vikas Kumar, Advocate,
for the petitioner in CRM-M-11146-2018.

Mr. Gautam Dutt, Addl.P.P., Union Territory Chandigarh.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of the above mentioned two petitions filed on behalf of Anu Batta and Anup Khullar seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.0027 dated 22.1.2018 under Sections 120-B, 420, 465, 466, 468, 471 of Indian Penal Code, 1860 at Police Station Sector-26, Chandigarh.

The allegations, in nutshell, are that at the time of admission of their son in St. John School, Sector-26, Chandigarh in the year 2005, the petitioners furnished a forged 'School Leaving Certificate' purported to have been issued by Doon International School, Mohali, wherein the date of birth

of their son was mentioned as 30.9.1999 instead of the correct date of birth i.e. 29.9.1999 so as to be considered eligible for admission as children born before 30.9.1999 were to be considered in the earlier year i.e. in the year 2004.

The learned counsel for the petitioners have submitted that infact the the cut-off date is 1.10.1999 and not 30.9.1999 and that the alleged forgery in the date of birth from 29.9.1999 to 30.9.1999, would not have mattered. The learned counsel for the petitioners have further submitted that in any case the Education Department vide order dated 6.1.2012 (Annexure P-2) had granted permission subsequently to effect the change in date of birth from 30.9.1999 to 29.9.1999 in the school record and that even in the progress report issued by the school for the session 2010-2011 (Annexure P-5) the date of birth has been mentioned as 29.9.1999. It has thus been submitted that it was merely an error, if any, and no forgery was ever committed by the petitioners and that in these circumstances, the petitioners deserve the concession of bail.

On the other hand, the learned State counsel assisted by the complainant Vikram Batta, who is present in Court, has submitted that the factum of forgery is evident from the fact that the authorities of Doon International School, Mohali have themselves come up and given a certificate to the effect that the 'School Leaving Certificate', which was furnished by the petitioners at the time of admission of their son in St. John School, Sector-26, Chandigarh, was never issued by Doon International School, Mohali. It has further been submitted that the custodial interrogation of the petitioners, in any case, is required as the original birth certificate

furnished by the petitioners at the time of admission of their son in St. John School, Sector-26, Chandigarh is also to be recovered. It has thus been submitted that no case for grant of anticipatory bail to the petitioners is made out and that the present petitions may be dismissed. It has also been pointed out that the petitioners have been pressurizing the complainant, while on interim bail, and had infact also caused injuries to the complainant.

Having considred the rival submissions addressed before this Court and bearing in mind the nature of allegations and also the fact that the case is entirely based on documentary evidence pertaining to the alleged forgery and that the material document i.e. 'School Leaving Certificate', wherein the alleged forgery was committed is already in possession of the police, in my opinion, it is not a case warranting custodial interrogation. The present petitions, as such, are accepted and the interim directions issued by this Court vide order dated 26.2.2018 and 16.3.2018 are hereby made absolute subject to the condition that the petitioners shall appear before the Investigating Officer as and when directed and also co-operate with the Investigating Officer.

It will be open to the State to move an application for cancellation of bail in case it is ever found that the petitioners are misusing the concession of bail.

The present petitions stand accepted accordingly.

12.10.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge