

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

CRM-M No.17696 of 2016 (O&M)

Date of Decision: 11.02.2019

Suman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Singh Sangwan, Advocate for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.315 dated 05.09.2015, under Sections 419, 420, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Hansi, District Hisar.

Allegation against the petitioner is that she was appointed as a JBT Teacher allegedly on the basis of clearance of STET/HTET Examination by an impersonator, appearing on her behalf.

This Court, while issuing notice of motion on 20.05.2016, passed the following order:-

“ Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner-Suman in case FIR No.315 dated 5.9.2015 under Sections 419,420, 468, 471 and 120-B IPC,PS Sadar, Hansi, District Hisar.

Petitioner was appointed as a JBT Teacher allegedly on the basis of clearance of STET/HTET examination by an impersonator appearing on his behalf.

It is contended that identically situated accused-petitioners have filed CRM-M 40955/2015 and other connected cases which are now listed for 19.7.2016 and interim protection granted to them.

Notice of motion for 19.7.2016.

To be heard with CRM-M 40955/2015.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C. ”

It is contended by learned Counsel for the petitioner that in terms of aforesaid order, the petitioner has already joined the investigation on numerous occasions.

On the other hand, learned State Counsel, on instructions from I.O./Inspector Ramphal, states that investigation is still going on in the matter.

Admittedly, all the documents pertaining to STET are with the Investigating Agency and even the specimen signatures of the petitioner have already been obtained, but no incriminating material has been shown to this Court during the course of hearing by learned State Counsel.

Undisputedly, in the identical matters, having similar set of allegations, this Court has already granted pre-arrest bail to many similarly situated persons.

It is very unfortunate that since 05.09.2015, the matter is pending with the Investigating Agency and till date, report under Section 173 Cr.P.C. has not been submitted and thus, the same is quite distressing.

Admittedly, the petitioner is working in a Government Primary School as a J.B.T. Teacher and as such, there is no chance of her likelihood to flee from justice or hamper the investigation in any manner particularly being a female.

Consequently, interim order dated 20.05.2016 is made absolute subject to the conditions as envisaged under Section 438 (2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation, if any.

The observations may not be considered as an expression of opinion on the merits of the case.

It is expected that investigation shall be completed at the earliest without any further delay in the matter.

February 11, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes