

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

**CRM-M-10468-2020 (O&M).
Date of Decision: August 05, 2020**

BIMLA DEVI Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Anmol Malik, DAG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 513 dated 27.11.2019, under Sections 420 IPC (Sections 467, 468, 471 IPC added subsequently), Police Station Baldev Nagar, District Ambala.

Contentions on behalf of the petitioner, noted while issuing notice of motion on 22.05.2020 read as under:-

“It is submitted that the petitioner was enrolled as a volunteer with the Home Guard, Haryana, at Ambala, on the basis of her experience as R.S.O. (Road Safety Observer) and not on the basis of her matriculation certificate. Allegations in the FIR, it is contended have been raised by the complainant due to a matrimonial dispute with his wife – Daya Rani, a co-accused in the FIR.”

Learned counsel for the petitioner submits that the petitioner has joined investigation. She is not involved in any other criminal case and she undertakes to cooperate in the investigation of the matter. It is thus prayed that this petition be allowed.

I have heard learned counsel for the parties.

As per the status report filed by way of an affidavit dated 23.07.2020 of Munish Sehgal, DSP, Ambala, it is mentioned that the petitioner was indeed appointed on the basis of her experience as R.S.O. and relaxation was afforded to her regarding her educational qualification. The petitioner while applying for the post of Lady Volunteer has submitted that she has passed the 6th standard and she had not submitted any matriculation certificate at that time with the Home Guard Department. It is further mentioned that the petitioner was appointed as a Lady Volunteer with the Home Guard, Haryana at Ambala on 01.01.2016, after affording her relaxation in educational qualification. However, in the month of May 2016, a 10th Class certificate of the petitioner was submitted in the office of Home Guard Department, Haryana at Ambala through Ranjor son of Shyam Lal, who was also an employee of the Home Guard Department. Said Ranjor has since passed away. *Prima facie* there is a merit in the argument raised by learned counsel for the petitioner that no such certificate of matriculation had ever been submitted by the petitioner herself and she had never sought to rely upon the same for the purposes of her employment.

Learned counsel for the State on instructions from DSP Munish Sehgal, affirms that the petitioner has joined investigation and her custodial interrogation is not required. It is further verified that she is not involved in any other criminal case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 22.05.2020 is made absolute. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

August 05, 2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No