

201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18078-2020

Date of Decision: 14.08.2020

Gama Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

=====
In virtual Court
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CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Rakesh Gupta, Advocate,
for the Petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case 539 dated 14.12.2019 registered under Section 177, 420, IPC at Police Station Baldev Nagar, District Ambala (Annexure P-1).

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The allegations against the petitioner is that he claimed himself to be a person belonging to scheduled caste and accordingly, he joined the service against the post meant for scheduled caste. However, the petitioner has neither furnished any certificate claiming himself to be schedule caste nor has he ever obtained any benefit claiming himself to be member of schedule caste category. Throughout his service carrier, he has been treated as an employee belonging to general category. Not only this, the petitioner has not obtained any service benefit or any other benefit claiming himself to be an

employee belonging to scheduled caste category. Otherwise also, the entire matter is pertaining to official records, which are in custody of the State Department. Hence, the petitioner is not required for any recovery as such. The petitioner shall join the investigation as and when he would be required.

Notice of motion.

Mr. Vishal Malik, DAG, Haryana, accepts notice on behalf of the State.

Learned State counsel, while reading the affidavit filed by Manish Sehgal, HPS, DSP, has submitted that the petitioner had written in his application form submitted at the time of his recruitment as Constable; that he belongs to scheduled caste category. However, despite there being specific order to produce the said application or any another documents in support of this assertion, the State has failed to produce the same. It is also not denied by counsel for the State that petitioner has never furnished any certificate claiming himself to be an employee belonging to scheduled caste.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

14.08.2020
anil

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>

