

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

112

CRM-M No.20113 of 2020
DATE OF DECISION : 23rd JULY, 2020

Raman Lal alias Happy

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Ithlesh Kumar Kaushal, Advocate for the petitioner.

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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 FIR No.73 dated 13.03.2020 registered under Sections 420, 465, 468, 471 & 200 IPC, at Police Station City Kapurthala, District Kapurthala.

It is contended by counsel for the petitioner that the case against the petitioner is baseless. The crux of the allegation against the petitioner is that the petitioner joined the service with the complainant school by concealing the pendency of a criminal case against him. However, this is factually incorrect. The alleged case was registered against the petitioner after he had already joined the service in the school. The petitioner even stands acquitted in that case long back. Moreover, any concealment, on the part of the petitioner, is negated even by the fact that before the petitioner was made to join the service, the police verification was duly conducted; and the police had reported that there was no case against him at that time. Moreover, merely because some

case was registered, would be no ground to deny the petitioner the appointment or shunting him out of the job, particularly when he has been acquitted of the charges by the competent criminal court, after full fledged trial.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from ASI Bhupinder Singh, has submitted that in November, 2017 the employees, including the petitioner, were asked by the school to disclose whether they were having any criminal case against them or not. The petitioner failed to point out the case against him at that time. Hence, the present case has rightly been registered against him. However, it is not disputed that the petitioner already stands acquitted of the said charges. It is also not disputed that even the earlier case was registered against the petitioner after he had already joined the service in the school.

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.

23rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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