

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

CRM-M 12057-2021

Reserved on:10.11.2021

Pronounced on 11.11.2021

Mahender Pal

....Petitioner

Versus

State of Haryana through Public Prosecutor

...Respondents

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Govind Chauhan, Advocate for the petitioner

Mr.Vishal Malik, DAG, Haryana

ASHOK KUMAR VERMA, J.

1. This petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.71 dated 10.12.2020, under Sections 201, 420, 467, 468, 471 and 120-B of the IPC registered at Police Station Munak, District Karnal, Haryana.

2. In a nutshell, the case of the prosecution is that complainant-Sanjeev Kumar filed a complaint alleging that they are two brothers and two sisters, the name of the brother being Rajiv and the name of his two sisters being Neelam and Reshma. In February 2016, his brother Rajiv went missing and to this effect FIR No.118 dated 08.02.2016 under Section 365 of the IPC was registered at Police Station Civil Line, Karnal. However, his whereabouts were not known. His brother is the owner of land measuring 30 kanals and a plot measuring 10 marlas and an old house situated at Village Munak, a booth in Karnal City and a kothi in Urban Estate, Karnal. His sister Neelam is in illicit relation with accused Yashpal against

whom several cases are pending. Yashpal has prepared several forged IDs in his name. The complainant came to know that his sister Neelam is in criminal conspiracy with Yashpal, Makhan, Jagdish, Mukesh, Vinit Kala and Surinder alongwith official of Health Department Mahender (petitioner) had prepared a forged death certificate of his brother Rajiv. On the basis of forged death certificate and forged Will, the aforesaid persons had first got the property of his brother Rajiv transferred in their name and then sold the same. In the complaint, he has further alleged that the said persons have killed his brother Rajiv Kumar in order to grab his property.

3. I have heard learned counsel for the petitioner and the State of Haryana and perused the paper-book.

4. Learned counsel for the petitioner submits that he has been falsely implicated in the present case as there is a property dispute going on between the complainant and accused Neelam and others and as a counterblast the present criminal case has been implanted on the petitioner alongwith others. Even if the allegations in the FIR are taken at their face value, the ingredients of offence under Section 467/471 of the IPC are not made out. Learned counsel submits that the petitioner is only a Lab Technician and he is at present posted at Community Health Center, Jhansa. The primary work of the petitioner is to manage and collect all the medical reports from surrounding Community Health Centers and then to report to Chief Medical Officer, Kurukshetra. The petitioner also

keeps all the records of the above Community Health Centers. The petitioner fully cooperated with the investigation and gave all the documents with regard to death certificate issued from CHC, Jhansa. When the death certificate was issued on the receipt of a form, the same was verified by Asha worker and then by ANM whose name was Dinesh Kumari and the name and signatures of the said persons reflected on the said form who verified the facts and on the basis of which the petitioner made entry in the record after approval from Registrar who also verified it on the basis of report of three officials. Learned counsel submits that Asha workers, the ANM and the Registrar have not been named as accused in the present case and the petitioner has been made a scapegoat. Learned counsel further submits that the petitioner is behind the bars since 23.01.2021 and the trial is likely to take a long time to conclude and no recovery is to be effected from the petitioner. As such, no useful purpose would be served by keeping the petitioner behind the bars.

5. *Per contra*, learned counsel for the State vehemently submits that the petitioner doesn't deserve to be released on bail. The allegations against the petitioner are serious in nature and his connectivity with the issuance of the death certificate is writ large. It has come during investigation that the death information form on the basis of which death certificate was prepared, was filled by the petitioner in his own handwriting whereas the alleged informant accused Neelam was not even present at the time of submission of information form and her signatures on the form had been obtained

subsequently by the co-accused. Thereafter, the information form, which also bears the signatures of Asha worker and ANM, was got uploaded online by the petitioner without approval and without obtaining signatures of the Registrar, Births and Deaths. It was only subsequently that the petitioner in a fraudulent manner secured signatures of the Registrar on the information form. Learned counsel further submits that the petitioner was in-charge and custodian of record pertaining to births and deaths. It has also been found during investigation that after uploading of information form online, the name of Asha worker Poly has been erased from the form while signatures of brother-in-law of Rajiv have been put subsequently. There has been forgery and tampering of record when the petitioner was its custodian. Learned counsel also submits that the trial Court has framed the charges against the petitioner vide order dated 16.09.2021. As such the petitioner does not deserve to be enlarged on bail.

6. I have given my thoughtful consideration to the submissions of the learned counsel for the parties. In view of the gravity of allegations, I am of the considered opinion that the petitioner is not entitled to be released on bail. In criminal conspiracy with co-accused, the petitioner is alleged to have forged the death certificate of Rajiv Kumar, brother of the complainant, with the intent that the properties of Rajiv Kumar be misappropriated and disposed of by the co-accused for valuable consideration. The petitioner has been specifically named in the

FIR. His connectivity with the preparation of death certificate is writ large during investigation by the prosecution and in the enquiry report submitted by the team of Doctor Lalit Kalson, Addl. District Registrar, Births and Deaths and Dr. Sandeep Kothari, SMO, CHC Jhansa. Furthermore, the information form is alleged to be filled by the petitioner in his own handwriting and that too in the absence of informant accused Neelam at the time of submission of information form. Even at the time of uploading information form online, the signatures of the Registrar, Births and Deaths have not been obtained. It is also not disputed that the petitioner was the custodian of the record.

7. Keeping in view the chain of events in commission of offences as depicted in the prosecution story and having regard to the gravity and seriousness of the allegations of forgery and misappropriation of property coupled with the material gathered during investigation and thereafter framing of charges by the trial court, I do not deem it a fit case for grant of concession of bail to the petitioner. The petition is dismissed accordingly. However, it is made clear that nothing observed in this order would be taken as an expression of opinion on the merits of the case, which would only be ascertained during trial.

(ASHOK KUMAR VERMA)
JUDGE

11.11.2021

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No