

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

CRM-M-14295-2021 (O&M)
Date of Decision:- 1.10.2021

Dharampal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anshul Gupta, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Gurmej Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.54 dated 12.2.2021 under Sections 420, 467, 468, 471 IPC at Police Station Chandimandir Panchkula, District Panchkula.
2. The FIR was lodged at the instance of Shri Prem Krishan HPS wherein it is alleged that ASI Dharampal (petitioner) had initially been appointed as a Constable on 29.8.1989 and had been promoted upto ASI. On 6.3.2018, a complaint was submitted by Om Parkash and Nityanand who are infact brothers of ASI Dharampal for verification of his educational qualification certificates while alleging that he had infact failed in matriculation exam. Consequently, an enquiry was conducted and it was found that in the record, ASI Dharampal had mentioned that he had passed his matriculation from Board of School Education, Bhiwani whereas during the course of enquiry,

he stated that he had passed his matriculation exam from Delhi Open School. It is alleged that the petitioner has played a fraud with the department and had got service in the police department on the basis of a forged educational certificate furnished by him.

3. The learned counsel for the petitioner has submitted that he has an unblemished record and was presently at the fag end of his career and has been falsely implicated at the instance of his brothers on account of a dispute over property. It has further been submitted that although he had been requesting the department concerned to furnish him a copy of the allegedly forged certificate but no such copy was ever furnished to him which would go to show that infact no such allegedly forged certificate had been furnished by the petitioner. The learned counsel has also submitted that presently he is not keeping well and has various ailments including heart ailment for which he has been taking treatment from Medanta Hospital, Gurugram. The learned counsel has also referred to the medical certificates, annexed in this regard as Annexure P-15.
4. Opposing the petition, the learned State counsel has submitted that there are serious allegations levelled in the FIR and that too against a member of a disciplined officer, which would not warrant taking any lenient view in the matter. It has been submitted that since the petitioner by way of getting employment on the basis of a forged certificate had cheated the government continuously for several years and since even as of now he has not come out with any copy of his matriculation certificate, the petition deserves to be dismissed.
5. I have considered rival submissions addressed before this Court.

6. It is quite apparent that the proceedings have been initiated against the petitioner at the instance of his real brothers which apparently could have been on account of some dispute amongst them, perhaps regarding property. However, this Court is not to be influenced solely by the fact as to why the FIR has been lodged but is expected to examine the allegations levelled therein and as to whether the same *prima facie* have any semblance of truth or not. In the record maintained in the police department, the petitioner had furnished information that he had passed his matriculation from Board of School Education, Bhiwani. In case, the petitioner had actually passed matriculation from said Board, he would certainly be having a copy of the same. Even if, it is assumed that he had lost the certificate, still the petitioner who is himself in the police department can be expected to be smart enough to get a duplicate certificate issued. However, no such certificate has been shown by the petitioner and which would compel the Court to believe that there is element of truth in the allegations levelled in the FIR. Having regard to the said facts and circumstances, this Court does not find any special case for grant of anticipatory bail.
7. The petition is sans merit and is hereby dismissed.

1.10.2021
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No