

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

**CRM-M-31016-2021
Date of decision: 04.08.2021**

Balvinder Singh**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. R. S. Rai, Sr. Advocate with
Ms. Sukriti Rai, Advocate &
Mr. Karan Pathak, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0118 dated 13.05.2021, registered under Sections 420, 120-B, 467, 468, 471 and 201 (added later on) of the IPC and Section 71 of the Information Technology Act, 2000 at Police Station City Pehowa, Kurukshetra.

Learned senior counsel for the petitioner submits that the FIR was registered on a complaint given by SI Baljit Singh that during investigation in FIR No. 70 dated 31.03.2021, registered under Sections 420, 467, 468, 471, 120-B of the IPC and Sections 12/12-B of the Passport Act at Police Station City Pehowa, the complainant, being the Investigating Officer, has recorded the disclosure of one of the accused, namely Mohit Guglani, to the effect that his shop is situated in Pehowa and for getting the passport prepared, he used to get the documents prepared, like school certificate, Diploma certificate, certificate of Universities, Character

Certificate, etc. by changing the marks, date of birth or date of issuance of the certificates.

It is further stated in the FIR that in the disclosure statement of aforesaid accused, it came that whenever a person approaches him, by sending documents on his email Id i.e. mohitguglani.guglani@gmail.com, he used to tamper with the same and prepare such documents and charge Rs. 10,000/-. In the disclosure, it has come that on the email Id of some of the persons, as recorded in the FIR, he has sent the documents by tampering with the same. It is further stated that names of some of the students have also come in the disclosure, who had gone abroad by taking admissions.

Learned senior counsel further submits that during further investigation, the police recorded another disclosure of Mohit Guglani regarding involvement of the petitioner.

It is further submitted that petitioner is in fact running an educational institution by the name of AIM Study Abroad, Pehowa and there is no complaint from any of the students, who had studied from the institute of the petitioner and it will be a matter of trial whether the complainant has *locus standi* to register the present FIR without there being any complainant aggrieved against the so called action of Mohit Guglani.

Learned senior counsel further submits that in response to a notice issued by the police to join investigation, the petitioner has appeared before the Investigating Officer on 22.07.2021 and submitted his email ID and other documents as required by the Investigating Officer, however, during investigation, it was stated that the petitioner has to return Rs. 10 Lakh.

Learned State counsel could not dispute the fact that

petitioner has not taken any other amount other than the requisite fees and submits that his involvement in the present case is on the basis of disclosure of aforesaid co-accused.

Learned State counsel also could not dispute that petitioner has joined investigation at one point of time on 22.07.2021, however, it is submitted that a laptop/printer are yet to be recovered.

After hearing learned counsel for the parties, without making any expression on the merits of the case, considering the fact that offences are triable by the Court of a Magistrate and also in view of the fact that the only evidence which has come against the petitioner so far is the disclosure of Mohit Guglani, that too in another FIR i.e. aforesaid FIR No. 70 and also in view of the fact that it will be a matter of trial whether the disclosure of Mohit Guglani, which is recorded in another case, will be admissible against the petitioner or not, I find that custodial investigation of the petitioner is not required as he has already joined investigation on earlier occasion.

Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

04.08.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No