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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.34080 of 2021 (O&M)

Date of decision: 27.08.2021

Rajesh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Kumar Khubbar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.118 dated 13.05.2021 initially registered under Sections 420, 467, 468, 471, 120-B IPC (Sections 201 IPC added subsequently) and 71 of the Information and Technology Act, 2000, at Police Station City Pehowa, District Kurukshetra.

Counsel for the petitioner has relied upon the order dated 04.08.2021 passed in CRM-M No.31016 of 2021. The operative part of the said order, reads as under:-

“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

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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

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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.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has argued that the allegations against the petitioner are that he is an employee of Balwinder Singh and from his e-mail ID, he has sent the fake ID of Neelam and Vikrant to co-accused Mohit Guglani.

Counsel for the State has not disputed the factual position that the petitioner is an employee of Balwinder Singh, who has already been released on anticipatory bail.

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After hearing learned counsel for the parties, without commenting anything on the merits of the case and considering the fact that offences are triable by the Court of a Magistrate and the co-accused of the petitioner has already been granted the concession of anticipatory bail, the present petition is allowed and 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.

(ARVIND SINGH SANGWAN)
JUDGE

27.08.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No