

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102)

CRM-M-38262 of 2020

Date of Decision: 27.10.2021

Sajjan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Yashdeep Nain, Advocate, for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.01, dated 25.01.2020, having been registered at Police Station State Vigilance Bureau, District Rohtak, alleging therein the commission of offences punishable under the provisions of Sections 420/467/468/471 of the IPC.

Learned counsel for the petitioner submits that simply because the contractor who issued the petitioner an experience certificate 7 years ago has denied having issued it, that does not mean that the certificate is actually fake and that the petitioners' custodial interrogation is required for that purpose, with the fact as to whether the experience certificate is actually proved to be fake or genuine, to be a matter of trial.

Having considered that argument, it is to be noticed that today

learned State counsel has submitted that even the original certificate as was submitted by the petitioner as his experience certificate at the time of his recruitment in the Public Health Department, has been obtained from the Public Health Department, but with the issuance of the certificate having been completely been denied by the contractor who is purported to have issued it, the custodial interrogation of the petitioner is required, to determine as to who had actually provided that certificate to him; and consequently the interim order passed in his favour may be vacated.

[To similar effect it is stated so in the affidavit filed by the DIG, State Vigilance Bureau, Rohtak, dated 17.09.2021.]

Having considered the matter, simply because the incident is 7 years old, with the allegation against the petitioner being the commission of offences punishable under Sections 420/467/468/471 of the IPC, and the maximum punishment being more than three years, obviously there is no limitation for institution of any criminal proceedings or for any court to take cognizance of such offences (if any report is submitted to that effect to the competent court), even in terms of Sections 468 and 469 of the Code of Criminal Procedure, 1973; and consequently, in view of the circumstances of the case, without making any comment on the actual merits of the case, I would see no reason to continue with this petition filed under the provisions of Section 438 of the Cr.P.C.

Consequently, this petition is dismissed, with the order passed on 07.12.2020 in favour of the petitioner, vacated.

If the petitioner is arrested and thereafter files a petition under Section 439 of the Cr.P.C., that petition would be considered wholly on its own merits.

27.10.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No