

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

1 **CRM-M-37591-2019**
Date of Decision : September 30, 2021

POONAMPetitioner

VERSUS

STATE OF HARYANARespondent

2 **CRM-M-38691-2019**

TEJBIR RATHIPetitioner

VERSUS

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner in CRM-M-37591-2019.

Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Gagandeep S. Virk, Advocate
for petitioner in CRM-M-38691-2019.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Vikram Singh, Advocate
for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

Both these petitions are taken up together as the same arise
out of same FIR.

CRM-M-37591-2019 has been filed by one Poonam whereas
CRM-M-38691-2019 has been filed by Tejbir Rathi, who is the husband
of Poonam.

The present petitions are filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.149 dated 15.08.2019 under Sections 420, 467, 468, 471 of IPC, registered at Police Station, Panipat Sadar, District Panipat.

As per the allegations contained in the FIR, which was registered on 15.08.2019 on a complaint which was received from the learned Lokayukta, Haryana with regard to the issuance of forged disability certificates two decades ago, both the petitioners got forged disability certificates issued in their favour and got employment in a Government school and thereafter, they were dismissed from service. Thereafter, both of them were reinstated on 03.10.2017.

Both the learned counsels for the petitioners have submitted that the FIR was lodged at the behest of one Tek Ram Dahiya against whom various complaints were filed by the petitioners and it was due to the counter-blast that he had given a false complaint to the Lokayukta and consequently, the present FIR was lodged against the petitioners. They submitted that be that as it may, on the basis of the same alleged certificates, the petitioners were reinstated in the Government service after it was found that the certificates were not false. They further submitted that the present petitions pertain to the grant of anticipatory bail and the entire case depends upon the documentary evidence and all the documents are available with the police. They submitted that this Court had granted interim protection to the petitioner Tejbir Rathi on 06.01.2020 and to the other petitioner, namely, Poonam on 26.11.2019 and both of them were directed to join the investigation and cooperate

with the investigation process. In pursuance to the orders passed by this Court vide orders dated 06.01.2020 and 26.11.2019, both the petitioners have joined the investigation and have fully cooperated with the investigation process and have supplied all the relevant documents to the I.O. and, therefore, they have prayed that the aforesaid interim orders passed by this Court may be made absolute.

Mr. Panwar, learned DAG, Haryana has submitted on instructions from SI Attar Singh that in pursuance of the orders passed by this Court on 06.01.2020 and 26.11.2019, both the petitioners have joined the investigation and they have fully cooperated with the investigation process and they are not required for custodial investigation.

Mr. Vikram Singh, Advocate has also appeared on behalf of the complainant, namely, Tek Ram Dahiya at whose instance the Lokayukta Haryana had lodged the present FIR, and has submitted that the petitioners do not deserve the concession of anticipatory bail in view of the fact that they had used forged certificates for the purpose of their employment and a Medical Board has also been constituted now to re-assess the disability of the petitioners but the petitioners have not come forward for their medical examination.

Replying to the submission made by the learned counsel for the complainant, it has been submitted by the learned counsels for the petitioners that Medical Board may have been set up on the administrative side by the department concerned, but it is not the part of the present criminal prosecution and they submitted that the certificates are of the years 1996 and 1998 and now the petitioners cannot be denied

anticipatory bail only on the ground that one Medical Board has now been freshly constituted to re-assess the disability of the petitioners.

I have heard learned counsels for the parties.

The present FIR is of the year 2019. The learned State counsel has categorically stated that the petitioners have already joined the investigation and fully cooperated with the investigation process and they are not required for custodial investigation. The argument raised by the learned counsel for the complainant that the petitioners are not appearing before the Medical Board cannot become a ground for denial of anticipatory bail to the petitioners as they are not required for custodial investigation as per the stand taken by the learned State counsel.

Therefore, in view of the totality of the facts and circumstances of the present case, this Court deems it fit and proper to grant anticipatory bail to the petitioners.

Consequently, both the petitions are allowed and the orders dated 06.01.2020 and 26.11.2019 passed in both the petitions are, hereby, made absolute.

(JASGURPREET SINGH PURI)
JUDGE

September 30, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No