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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 3086 of 2022 (O&M)

Date of decision: 28.01.2022

Raj Bala

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. R.C. Sharma, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of anticipatory bail to the petitioner in FIR No.222 dated 29.05.2021 registered under Sections 420, 120-B, 417, 418, 468 IPC and Sections 65 and 66(C) of the Information Technology Act, 2000, at Police Station City Tohana, District Fatehabad.

Vide detailed order dated 28.09.2021 passed in CRM-M No.36315 of 2021, the 1st anticipatory bail petition filed by the petitioner was dismissed, by passing the following order:-

“Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Rajbir Kaur, she is working as a JBT Teacher in village Ratoli and her employee id is 2004973. As per the notice of Director General Elementary Education, Haryana, Panchkula, an advertisement No.2/2012 was issued in the year 2012 and online counselling forms were sought from the JBT Teachers for transfer to new Districts, which were to be filled from 01.05.2021 to 06.05.2021 and the complainant has also given her form on 03.05.2021 at 04:03 hours after finalizing her priorities. It is stated that she finalized 21 priorities and prepared a PDF file of the

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same and the photocopy of the same is attached with the complaint. On 06.05.2021, when the complainant opened the website of the department for taking printout, she was shocked to see that her priorities have been changed by tampering the same on 05.05.2021. The priorities filled up by the complainant were Fatehabad, Sirsa and Hisar at Serial No.1, 2 and 3 were shown at Serial No.20, 21 and 22 and Nuh and Mewat were never opted by the complainant. With these allegations, she made a complaint and the same was enquired into by the IT Cell of the Police. It is further submitted that the petitioner is a lady and she has no role in the entire episode.

Counsel for the petitioner has further submitted that the husband of the petitioner namely Krishan has already been arrested as he is a Software Engineer and the allegations are that with the help of her husband, the petitioner has changed the priorities of the complainant by cracking the code of the website.

In reply, counsel for the State assisted by counsel for the complainant, has submitted that it is a case where the custodial interrogation of the petitioner is required as there are allegations of tampering with the official data of the department and the petitioner, being an employee of the State Government, in conspiracy with her husband has committed the aforesaid offence.

Counsel for the State on the basis of the affidavit of the Incharge, Economic Offences Wing, Fatehabad has further submitted that during the enquiry, the statement of the complainant as well as her husband Jaspal Singh were recorded and both of them have stated that they are employed at Yamuna Nagar and had intention to transfer to District Fatehabad. It is further found in the investigation that the complainant Rajbir Kaur and her husband were higher in merit number and in order to give undue advantage to some unknown persons, the transfer preference of the complainant Rajbir Kaur was changed. It is also submitted that the custodial interrogation of the petitioner is required to know if she is involved in such or similar activities even on a previous occasion.

After hearing the counsel for the parties, considering the serious allegations against the petitioner, I find no ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.”

This present 2nd petition has been filed by the petitioner

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again praying for anticipatory bail. The only new ground for filing this petition is that the petitioner is relying upon a letter dated 18.05.2021 regarding some reply given by the Director of School Education to Cyber Cell, Yamuna Nagar.

Since this letter was very much available with the petitioner, even at the time when the 1st application was dismissed, I find that there is no change of circumstance and the present petition is accordingly, dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

28.01.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No