

207

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-20272-2022**

Date of decision:22.07.2022

SUNIL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Harsimran Aulakh, Advocate for
Mr. S.K. Sharma, Advocate for the petitioner.

Mr. Sumit Gupta, Addl. A.G. Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.114 of 06.04.2022, registered at Police Station Barauda, District Sonapat, wherein offences constituted, under Sections 406, 420, 467, 468, 471 of IPC, are embodied.

2. This Court, through an order made, on 12.05.2022 had granted *ad-interim* bail to the present bail petitioner.

3. The petitioner is alleged through preparing forged experience certificate to obtain employment under his employer. However, since the learned State counsel on instructions given to him, by SI Harinder Singh submits, that the present bail petitioner has fully co-operated with the investigating officer concerned, in the latter making investigations into the petition FIR. Further when he has also submits, that the purportedly forged experience certificate has been recovered, by the investigating officer concerned, therefore, when only for ensuring the recovery of the purportedly forged experience certificate, at the instance of the present bail petitioner, to the investigating officer concerned,

and, if he was not causing its recovery thereof, to the investigating officer

concerned, this Court may have been constrained to order for his custodial interrogation. However, when as above stated, the recovery of the purportedly forged experience certificate, has also been made by the investigating officer concerned. In consequence this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present bail petitioner.

4. Moreover, in so far as the salary received for the relevant period by the present bail petitioner from his employer is concerned, even the recovery thereof cannot be ordered to be made by this Court, as a pre-condition, for this Court proceeding to admit him, to anticipatory bail, through this Court ordering for deposit of a reasonable percentum thereof, in the establishments of the learned trial Magistrate concerned, and, thereafter ordering that disbursements thereof(s) to the concerned, would be subject to the outcome of the trial, as may become entered into by the learned trial Magistrate concerned. The reason being that, the learned State counsel submits that, after culmination of the departmental inquiry against the present bail petitioner, he has been terminated from service, besides from the further submission made before this Court that, in respect of the endeavour of the petitioner's employer to seek realizations from him, of the amounts of salary received by him, during the course of his performing employment, under him/them, rather this Court through Annexure P-10 restraining the petitioner's employer from recovering the amounts of salary, as become received by him, during the course of his performing employment under his employer.

5. In consequence, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the present bail petitioner. Moreover, also when the prosecution, at this stage, has not adduced any evidence, suggestive that in the event of the bail petitioner being admitted to anticipatory bail, there is

every likelihood of his fleeing from justice or tampering with prosecution evidence or influencing the prosecution witnesses.

6. In summa the order as made, by this Court, on 12.05.2022, is made absolute on the same terms and conditions, and, also subject to his furnishing, if not already furnished, personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into the offences mentioned in the present FIR. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

7. Disposed of.

(SURESHWAR THAKUR)
JUDGE

22.07.2022

ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No