

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-28699-2022

Date of Decision:-03.08.2022

Pawan Kumar.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jaiveer Yadav, Senior Advocate assisted by
Ms. Nishi Sharma, Advocate for the Petitioner.

Mr. Amit Aggarwal, DAG Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.319 dated 10.05.2022 under Sections 420, 467, 468, 471, 120-B and 201 IPC registered at Police Station Old Industrial, Panipat.

The Brief facts of the case relevant for the purpose of disposal of this petition are that on 10.05.2022, complainant Balwan arrived in the Police Station and moved a written complaint alleging that he was employed in a private job at Toll Plaza, Karnal. Three months ago, he came to know that Harish Mittal who ran an office by the name of Global Education at Panipat conducted examinations for National Open School. He was in need of a 12th Class Marksheet. He met Harish Mittal at his office and informed him that he was ready to appear for the examination. Harish asked him for his Adhar Card and other documents alongwith Rs.1.5 lacs. The complainant alongwith his friend Tinku gave Rs.1.5 lacs to Harish Mittal at his office. Harish asked him to meet after two months. Lateron, when he met

Harish, he told him that his mark-sheet had been received. Harish gave him a 12th class mark-sheet of Open School Shiksha Parishad Haryana claiming it to be original. He got the mark-sheet verified, but it was found to be fake. He alleged that Harish under a conspiracy had cheated him by receiving money and handing over a fake mark-sheet. He pleaded for appropriate action against the culprit.

During the investigation the accused Harish Mittal was arrested and several fake mark-sheets/migration certificates and Rs.50,000/- cash was recovered from him. During the course of investigation he reveal that a sum of Rs.62,000/- had been transferred from his account to the account of present petitioner. Based on the said evidence, the petitioner was arrested on 21.05.2022. In police custody he suffered a disclosure statement and got recovered Rs.50,000/- in cash, Laptop, colour printer, several seals including seals of Haryana Council of Open Schooling and signatures of Pawan, blank mark-sheets and migration certificates of 10th, 12th , Middle and Secondary examination of Haryana Council of Open Schooling and blank sheets of Paramedical Council Haryana which were taken into possession. It was found that the accused was running an institute under the name FFETJEE Council of School Education/Council of School Education which was found to be a registered society, but no record of Haryana Council of Open Schooling was found and no provision of issuing mark-sheets of 10th, 12th class was found.

The Counsel for the petitioner contends that the petitioner is in custody since 21.05.2022 and the investigation already stands completed. None of the 19 prosecution witnesses have been examined so far. Even otherwise, petitioners does not have criminal antecedents and this is the only FIR against him. He contends that the present case is one of magisterial trial and as such the further incarceration of the petitioner is not required. Therefore, he deserve the concession of regular bail.

The Counsel for the State on the other hand contends that the petitioner along with his co-accused Harish Mittal have cheated the complainant. The recovery is of fake mark-sheets etc., which shows that the petitioner and his co-accused were actively involved in preparation of the said mark-sheets and issuing of migration certificates for Class-10 and 12. Therefore, he did not deserve the concession of regular bail.

I have heard learned Counsel for both the parties at length.

Admittedly, the present case is one of magisterial trial. The petitioner is a first time offender and is in custody since 21.05.2022. The investigation stands completed and none of the prosecution witnesses cited in the list of witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded in near future and as such further incarceration is not required.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Pawan Kumar** son of Sh. Satbir is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 03, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>