

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54658-2021 (O & M)

Date of decision:09.08.2022

Poonam Arora

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kulbhushan Sharma, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case of her arrest in case bearing FIR No.0047 dated 23.01.2020 under Sections 420, 467, 468 and 471 IPC with Police Station Central, Faridabad, Haryana.

2. The FIR came to be registered at the instance of Deputy Commissioner, Faridabad and the contents of the same are reproduced hereinbelow:-

“Confidential/Most Urgent From: Deputy Commissioner, Faridabad, to the SHO Central, Sector 12, Faridabad. Serial No.316/EB dated 22.01.2020 Subject: Appeal against the order dated 31.08.2016 which was issued vide memo no.EA-1/2016/5008-10 dated 14.09.2016. Passed by Commissioner, Gurgaon Division, Gurgaon. In context with Memo no.EA-1/88/2019/5287 dated 24.12.2019 letter issued by Commissioner, Faridabad Division, Faridabad, It is written to you on the above said subject that Smt. Poonam Arora is working as Assistant in this office Branch AJR. As per the office record the superannuation date of the employee is fixed as 29.02.2020 but she wants to get the date of birth corrected from 15.02.1962 to 15.02.1968 in the seniority list. The appeal was filed to the Government in this

regard because the Commissioner Gurgaon Division Gurgaon has consigned to record the application regarding correction of the date of birth of the applicant. In the matter of date of birth of employee the application which was received in this office from the Government through Commissioner, Faridabad Division Faridabad, the certificate/document/seniority list copy etc. document produced by Smt. Poonam Arora, Assistant before the Sub Divisional Officer (C) Ballabgarh who was appointed Inquiry Officer to send the enquiry report regarding the actual date of birth after enquiring deeply, confidentially the certificate produced by the employee and record of the school and name etc. and the year in which 8th and matriculation was passed from which school in which year. Inquiry Officer-cum-Sub Divisional Officer (C) Ballabgarh taking the final decision in his enquiry report wrote to this office that on the basis of complete enquiry it is clear that the complete name of Poonam Arora Assistant, Deputy Commissioner Office, Faridabad is Poonam Rani D/o Bhagwan Dass and date of birth is 15.02.1962 and the superannuation date in the Government service comes to February 2020 but conspiring to remain in the Government Service for six more year she is guilty of taking benefit in wrong manner by stealing the identity of Poonam Taneja D/o Bhagwan Dass Taneja the other lady which is a criminal matter. Besides that Poonam Arora Assistant has also committed offence to mislead the government and administration. Therefore, taking the strict administrative action it is recommended to register the criminal offence immediately against Smt. Poonam Arora Assistant, Deputy Commissioner Office, Faridabad, so that no other employee may tend to do the same in future. Hence, it is written to you that in compliance of directions of Commissioner, Faridabad Division, Faridabad, immediately send the compliance report after registering the criminal matter against Smt. Poonam Arora Assistant, Deputy Commissioner Office, Faridabad regarding the production of forged document and misleading the office, so that the Commissioner, Faridabad Division, Faridabad may be apprised accordingly and besides that it is also written that, if any, document regarding anything is required in this matter then you may obtain from this office”.

3. The petitioner filed a petition for grant of anticipatory bail which was dismissed by the Additional Sessions Judge, Faridabad, vide order dated 17.03.2020 (Annexure P-8). Pursuant thereto, the present petition came to be filed before this Court in which an interim order was granted on 24.12.2021 and the petitioner was asked to join the investigation. Thereafter, the matter was adjourned to 28.04.2022 on which date the learned State counsel made a submission that she (petitioner) was required for further investigation. Similar was the case on 24.05.2022 and the matter stood adjourned to 03.08.2022.

4. The learned counsel for the petitioner contends that the petitioner did not take any monetary benefit in view of the date of birth being 15.02.1968. In fact, she did not press her case regarding seeking benefit of extension of service on account of her date of birth being 15.02.1968 as against 15.02.1962. He contends that the entire case is based on the documentary evidence, and as such, being a retired old-aged lady, her (petitioner's) custodial interrogation is not required, and she be granted the concession of anticipatory bail, moreso, when she has joined the investigation.

5. The learned counsel for the State, on the other hand, has submitted that the petitioner had manipulated the Government record and changed her date of birth from 15.02.1962 to 15.02.1968 to extend the date of her retirement i.e. 15.02.2020. She had filed many applications to higher authorities to change her date of retirement which went to FCR, Haryana, Chandigarh level where she opted to withdraw her appeal. A fact-finding enquiry had been conducted by SDM, Ballabhgarh where she intentionally refused to disclose and produce her relevant papers in respect of her date of birth. Apparently, the petitioner was stealing the identity of one Poonam

Taneja, daughter of Bhagwan Dass Taneja, who is another person. Therefore, clearly, there was an attempt to mislead the Government and the Administration. In furtherance of the same, she had removed her service book and all her record from the office which contained all the original certificates/records which she had submitted at the time of joining her service in the office. During her entire period of service, at no point in time, did she ever agitate that her date of birth was 15.02.1968 and not 15.02.1962. It was, thus, contended that the investigating agency wanted to effect the recovery of records pertaining to her age which had been taken away from the office and also the record which she had used to pursue her case before the authorities showing her date of birth as 15.02.1968.

It was, thus, contended by the learned Counsel for the State that as recovery of these age-related documents was to be effected from the petitioner, her custodial interrogation was necessary as despite joining the investigation, the said documents had not been provided.

6. I have heard the learned counsel for both the parties at length.
7. Apparently, the petitioner has joined the investigation but the relevant documents pertaining to her age used by her for seeking extension in service have not been provided to the investigating agency. It may be relevant to mention here that the petitioner appears to have obtained employment and carried on her service based on her date of birth being 15.02.1962. It was only later, at the time of her superannuation that she set-up a case of her being born on 15.02.1968 for which she is said to have brought forth the documents to substantiate her age before various authorities. Undoubtedly, she did not press her claim and did superannuate in accordance with her original date of birth i.e. 15.02.1962. However, to

take the case to its logical conclusion and conclude the investigation, the recovery of the relevant age-related documents is necessary.

8. In the present case, despite ample opportunities, the petitioner has not provided any relevant document to substantiate her claim for extension in her date of superannuation. Therefore, the custodial interrogation of the petitioner is certainly required.

9. In view of the above, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 09 , 2022

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