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

CRM-M-32231-2023 (O&M)

Date of Decision: 07.07.2023

Kulwinder Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldip Singh, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.94 dated 25.05.2023 registered under Sections 417, 419, 420, 465, 466, 468, 471 and 120-B IPC at Police Station City South, District Moga, who apprehends her arrest at the hands of Police.

The FIR was registered on the basis of complaint given by Simarjit Kaur and the allegations as noticed by the Addl. Sessions Judge-cum-Vacation Judge, Moga in the order dated 16.06.2023 are as under:

The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the basis of complaint moved by Simarjit Kaur, Incharge/Principal, DIET, Moga to SHO of Police Station City Moga-2. It has been averred that she is doing the duty of Controller in D.L. Ed Examination (First year) May 2023. Raj Kumar, Centre Superintendent informed them that Amritpal Singh, Invigilator of Room No.3 informed that face of appearing candidate is not matching with the photograph of Roll No.20236137 (Kulwinder Kaur daughter of Kulwant Singh). Said student is doing D.L.Ed. From Satyam College of Education, Moga-Ferozepur G.T.Road, Moga. Then they visited the said room and enquired into the matter. During enquiry, they found that Gurwinder

Kaur daughter of Kashmir Chand, resident of Jalalabad is appearing on behalf of Roll No.20236137 and identity card of Kulwinder Kaur of Satyam College of Education, Moga and her aadhar card was recovered. Photo of Gurwinder Kaur was pasted on these documents whereas name and aadhar card number was of Kulwinder Kaur. During enquiry from aadhar card, it was also found that real name of Gurwinder Kaur is Kirna Rani wife of Jarnail Singh, resident of Ghagga Khurd, Pakka Kale Wala, District Fazilka. It was requested for taking necessary action. On the basis of above said complaint, instant FIR was lodged. Now apprehending her arrest, applicant-accused has filed present pre-arrest bail application.

Learned counsel for the petitioner has argued that as per allegations in the FIR, the petitioner instead of taking her examination sent someone else to appear in the examination, but in fact, this all was orchestrated by one person, namely, Gurbachan Singh, who was running an academy at Jalalabad and had assured the petitioner that she will get admission in Elementary Teacher Training Course. He submits that the lady, who impersonated as petitioner has already been arrested and the petitioner being married and having minor children may not be required for custodial interrogation. He prays that the petitioner be released on pre arrest bail.

Upon hearing the learned counsel and considering his submissions, it becomes clear that as per the prosecution, the co-accused Kirna Rani w/o Jarnail Singh appeared on the date of examination in place of petitioner and had also forged the identity card as well as aadhar card issued to the petitioner by pasting her own photograph. Since according to the petitioner herself, some other person is also involved, who is running the academy and had given assurance to the petitioner, therefore, in order to unravel the truth, the custodial interrogation of the petitioner may be necessary.

Consequently, considering the seriousness and gravity of the offence, this Court is not inclined to extend the extra ordinary concession of

pre arrest bail to the petitioner.

Dismissed.

07.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No