

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

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CRM-M-39312-2022

Date of decision: 23.08.2023

Sandeep

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashwani Talwar, Advocate, for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY. J.

1. On 01.09.2022, this Court had passed the following order:-

The prayer is for grant of anticipatory bail to the petitioner in case FIR No. 708 dated 12.08.2022 (Annexure P-1) registered under Sections 420, 467, 468, 471 and 120-B IPC Police Station City, Hisar.

The counsel for the petitioner submits that the petitioner was working as a Data Entry Operator on contractual basis for DEIC (RBSK). The counsel for the petitioner further submits that data regarding issuance of Disability Certificates is uploaded on the particular portal and responsibility of the same must be on some regular government employee (Superintendent, Assistant or Clerk), senior to the petitioner. The counsel for the petitioner further submits that there are allegations that some fake disability certificates were being uploaded by the petitioner on the said portal. The counsel for the petitioner further submits that as per the instructions issued by the Haryana Government, Annexure P-5 dated 25.03.2022, the Competent Authority to issue the disability certificate is medical Board consisting of at least three members out of which one shall be a Specialist. The counsel for the petitioner further submits that the petitioner was not responsible for uploading of the fake disability certificates as it must be the duty of some Assistant or Clerk appointed on regular basis to upload such type of data on the portal. The counsel for the petitioner further submits that after the Department received complaint regarding uploading of fake data, one Committee was constituted and the same exonerated

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the concerned officials namely Saroj (Clerk) and Jagbir (Assistant), while the present petitioner was held responsible on the ground that he also uploaded his fake disability certificate. The counsel for the petitioner further submits that the petitioner is suffering from physical disability and after the registration of the present FIR he has been removed from the job. The counsel for the petitioner further submits that the petitioner is totally innocent and is ready to join the investigation.

Notice of motion.

Mr. Naveen Sheoran, DAG Haryana accepts notice on behalf of the State and prays for time to seek instructions as to why no other regular employee of the Department who was responsible for supervising the work of uploading of aforesaid data is held responsible by the Committee which enquired into the matter.

Now be listed on 04.11.2022.

In the meantime, the petitioner is hereby directed to join investigation with the police. In case of his arrest, he is directed to be released on interim bail by the Investigating/ Arresting Officer to his own satisfaction till the next date of hearing. The petitioner should join investigation with the police well in time before the next date of hearing and should abide by the conditions envisaged in Section 438(2) Cr.P.C.

Report of SHO be also called for that date.

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.
3. Learned State counsel on instructions from ASI Surender Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 01.09.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioner fails to join and

cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

23.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No