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

CRM-M-58854-2023
Date of decision : 28.11.2023

PARDEEP

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Himanshu Joshi, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.186 dated 10.06.2022, registered for the offences punishable under Sections 420, 467, 468 and 471 of IPC, 1860 (Section 120-B of IPC, 1860 added later on) at Police Station Sadar, Narnaul, District Mahendergarh.

2. As per the contents of the FIR it has been alleged as under :

“xxx it is hereby informed to you that this matter pertains to Fake certificates of Secondary Examinations. During the year/ session April 2021, as per orders of Haryana Government / Education Department in the wake of Covid-19 pandemic, board examinations could not be held and the candidates who had to appear in Senior Secondary Examinations for full subjects, their examinations were cancelled because of Covid-19 pandemic and as per policy of government / education department, result of the candidates to appear in the examinations was to be declared. For

checking the eligibility of school students appearing in Senior secondary Examination in April 2021, who had passed their Secondary Examination from other State Boards, their relevant documents were checked and after this it is found that Secondary certificates of some students was not at par with Haryana Board Secondary Examination meaning thereby that their secondary certificates are fake. The schools were required to check relevant documents of such candidates before allowing them to enter the school for examination, but it was not done. This is not correct. Now the matter of investigation is that from where such candidates obtained fake Secondary Certificates. It is very much necessary to know about the said sources and prevent the same, as on account of these reasons, in addition to their economic exploitation, future of the candidates is being put at stake. Students who fall prey to such means for their selfish motive are also equally responsible because this is encouraging the evil practice. The students who have been allowed to appear in April 2021 on the basis of fake Secondary Certificates by the schools by going against the rules, their result has been declared cancelled by the Board. And the schools which have allowed such candidates to appear in secondary annual examination in April 2021, a district wise list of the schools alongwith list of such candidates is being sent alongwith relevant record. As per the list attached 92 schools have allowed 129 candidates to appear in the examination on the basis of fake secondary certificate, the detail is as under - COUNT OF STUDENTS: FAKE BOARD'S NAME: 26 - HARYANA COUNCIL OF OPEN SCHOOLING, 34 - UTTAR PRADESH STATE OPEN BOARD, 01 - SECONDARY EDUCATION OF BHIWANI (HARYANA), 02 - GANIN MUKT VIDHYALAI SHISHA SANSTHAN, 02 - URDU EDUCATION BOARD, NEW ELHI, 01 - HARYANA STATE OPEN BOARD OF SCHOOLING, 04 - COUNCIL OF SECONDARY EDUCATION MOHALI, 04 - RAJKIYA INSTITUTE OF OPEN SCHOOLING UTTAR PRADESH, LUCKNOW, 01 - U.P. BOARD OF MADARSA EDUCATION,

LUCKNOW, 01 - BOARD OF HIGHER SECONDARY EDUCATION, DELHI 01 - ALL INDIA COUNCIL OF SECONDARY EDUCATION, DELHI 01 - ASSAM HIGHER SECONDARY EDUCATION BOARD, 04 - BIHAR BOARD OF OPEN SCHOOLING EXAMINATION, PATNA, 01 - BOARD OF SCHOOL TECHNICAL (C.B.) 01 - BOARD OF SECONDARY EDUCATION DELHI, 01 - BOARD OF SECONDARY SENIOR SECONDARY EDUCATION, ALIGARH, UP, 01 - CENTRAL BOARD OF HIGH SCHOOL INTERMEDIATE EDUCATE, 01 - COUNCIL OF OPEN SCHOOL EDUCATION, RAJASTHAN, 01 - COUNCIL OF SCHOOL TECHNICAL EDUCATION, BHIND (MP), 01 - INDIAN BOARD OF SCHOOL EDUCATION, 05 - INDIRA GANDHI BOARD OF HIGH SCHOOLING INTERMEDIATE CERTIFICATE EXAMINATION, DELHI 01 - INTERMEDIATE COUNCIL OF SECONDARY EDUCATION, DELHI, 18 - JHARKHAND STATE OPEN SCHOOL, RANCHI, 01 - MAHARASHTRA BOARD OF HIGHER SECONDARY EDUCATION, 01 - MUMBAI HINDI VIDYAPEETH, 01 PRARAMBHIR SHIKSHA PUGNATA PRAMAN PATRA, 07 - RURAL INSTITUTE OF OPEN SCHOOLING, 03 – SANGAI INTERNATIONAL UNIVERSITY, 01 - THE CENTRAL BOARD OF HIGHER EDUCATION, NEW DELHI, 01 - UCCHITAR MANDHYAMIK SHIKSHA MANDAL DELHI, 01 - UTTARAKHAND BOARD OF HIGH SCHOOL, INTERMEDIATE EDUCATION, DEHRADUN. As such, in view of aforementioned list, after enquiring from the concerned mediums, it has come to fore that there is a need to stop the same so that other people may not fall prey to them. As such, for taking action as per rules against these mediums, matter is being forwarded to you. Sd/-xxx”

3. State Counsel submits that the allegation against the petitioner is of having facilitated the procurement of the said certificate.

4. Counsel for the petitioner submits that since theco-accused Yogesh Kumar already stands admitted to bail vide order dated 9th of November, 2023 passed in CRM-M No.55502 of 2023 observing as under :

“1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.186 dated 10.06.2022, registered for the offences punishable under Sections 420, 467, 468 and 471 of IPC, 1860 (Section 120-B of IPC, 1860 added later on) at Police Station Sadar, Narnaul, District Mahendergarh.

2. Counsel for the petitioner submits that even if the allegations levelled are taken to be on its face value, the same would reveal that the Haryana Council of Open Schooling that issued the certificate is stated to be not an authorized education board. So far as the certificate being forged is concerned, that cannot be held to be correct. He thus submits that the fact that daughter of the petitioner has passed out her secondary examination from an unrecognized, unauthorized board itself will not attract any criminal liability much less vis-a-vis forgery of the certificate.

3. Mr. Sehrawat does not dispute that so far as the allegation is concerned i.e. with respect to the recognition/authorization of the concerned board and not with respect to the certificate being forged.

4. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.”

5. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner based on record.

6. I have heard counsel for the parties and have gone through records of the case.
7. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and granting parity, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 28, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No