

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7368 of 2023

Date of decision: 28th February, 2024

Ajay Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Sahu, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

Mr. Ajit K. Sharma, Advocate for respondents No.2 and 3.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.29 dated 15.12.2022 under Sections 120-B, 197, 198, 201, 420, 468, 471 of the IPC registered at Police Station State Vigilance Bureau Hisar, District Hisar.

2. On the last date of hearing, i.e. 23.11.2023, while noticing the following submissions made by learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“... ... during the pendency of this petition, by order dated 22.08.2023, officials of Magad University, Bodhgaya, District Gaya, Bihar were impleaded as respondents No.2 and 3, who have appeared before this

Court and an affidavit dated 04.09.2023, has been filed deposing as under:-

'1. That the petitioner has filed the above noted petition seeking for grant of anticipatory bail in case FIR no. 29 dated 15.12.2022 registered under Sections 120-B, 197, 198, 201, 420, 468 and 471 of IPC, Police Station State Vigilance Bureau Hisar, Tehsil and District Hisar. That the petitioner has submitted that he did his graduation from Magad University, Bodhgaya Bihar in the year 1989 under roll no. 60944, Reg. No. 5657/1988 and BA certificate was issued to the petitioner by the university on 14.11.1992. The petitioner was selected as Investigator and after verifying the document by the selection committee, his name was recommended for appointment on the post of Investigator. Thereafter, he joined on the post of Investigator on 01.02.1991 and further promoted on the post of Technical Assistant on 03.09.2003. Presently, he is working as Technical Assistant in the office of Addl. Deputy Commissioner-cum- Chief Executive Officer, DRD, Fatehabad. The petitioner has submitted that his BA Certificate (Annexure P-2) dated 14.11.1992 is valid and it is absolutely wrong that the petitioner has not passed his graduation from the Magad University and the certificate is fake one. 2. That in this regard, it is submitted that the record of the university prior to 1990 was destroyed due to the flood, but on verification by the deponent from the record of the university, it is found that the petitioner has passed his graduation from the university in the year 1989 under

Roll no. 60944, Reg. No. 5657/1988 and the certificate (Annexure P-2) already attached by the petitioner with the petition has been issued by the university and the same is valid as per the record of the university.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 23.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from DSP Jugal Kishor, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 23.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 28, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No