



CRM-M-26341-2022

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26341-2022
Date of Decision: 07.08.2024

TEK RAM DAHIYA

... Petitioner

Versus

STATE OF HARYANA & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

Mr. Samrat Malik, Advocate and
Mr. Ankur Sheoran, Advocate
for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439(2) Cr.P.C. is for cancellation of the anticipatory bail granted to respondent Nos.2 and 3 vide order dated 24.05.2022 (Annexure P-4) passed by the Addl. Sessions Judge, Panipat in case FIR No.444 dated 09.09.2015 (Annexure P-2) registered under Sections 406, 420, 467, 468, 471 IPC, 1860 at Police Station Sadar Panipat, District Panipat.

2. The brief facts of the case are that on 09.09.2015, a complaint was given by the petitioner/complainant-Tek Ram son of Chander Singh to the Inspector General of Police, Rohtak Range. It was stated that in the

**CRM-M-26341-2022****-2-**

complaint that Tejbir Rathi (respondent No.2) son of Ram Kala who was posted at Government Senior Secondary School, Village Chhajpur, District Panipat as a Sanskrit teacher had been appointed on the basis of forged and fabricated documents. He had submitted a forged S.C. Certificate for getting employment as a guest teacher. It was also alleged in the complaint that Tejbir Rathi (respondent No.2) was habitual of manufacturing illegal and forged documents, affidavits and appointment letters for which several FIRs had been registered against him. As per the complainant, it had also been found that respondent No.3-Poonam wife of Tejbir Rathi had been appointed as a Sanskrit teacher on the basis of forged and fabricated documents. Legal action was sought.

3. On the basis of the aforementioned complaint, FIR No.444 dated 09.09.2015 under Sections 406, 420, 467, 468, 471 IPC P.S. Sadar, Panipat came to be registered against respondent Nos.2 and 3. The investigation was being carried out but was stayed by this Court. Thereafter, the stay order was vacated and the investigation was re-started.

4. The respondent Nos.2 and 3 sought the concession of anticipatory bail and were granted the said concession by the Court of Addl. Sessions Judge, Panipat vide order dated 24.05.2022 (Annexure P-4).

5. The grant of anticipatory bail has been challenged in the present petition.

**CRM-M-26341-2022****-3-**

6. Meanwhile, the report under Section 173(2) Cr.P.C. stands submitted and charges have been framed against respondent Nos.2 and 3 on 24.05.2024 and the case is now posted for recording of prosecution evidence.

7. The learned counsel for the petitioner/complainant contends that respondent Nos.2 and 3 had multiple cases registered against them for forging and fabricating documents and obtaining Government jobs on the basis of the said documents. The seriousness of the allegations had not been considered by the Sessions Court while granting anticipatory bail to the private respondents. In fact, the State exchequer had suffered a huge loss. The private respondents had not cooperated with the investigation. There was every possibility that they would influence the investigation and create hindrance in the arrest of the other accused. He, therefore contends that the anticipatory bail granted to the private respondents be cancelled and they be committed to custody.

8. The learned State counsel while referring to the reply dated 06.07.2022 contends that on account of the seriousness of the allegations, the order dated 24.05.2022 (Annexure P-4) granting bail to the private respondents was liable to be set aside and they ought to be committed to custody. In fact, the private respondents were habitual offenders with multiple cases registered against them. He, however, fairly concedes that the State had not preferred any application for cancellation of anticipatory bail, that the report under Section 173(2) Cr.P.C. now stood presented and that charges had been framed against the private respondents on 24.05.2024.

**CRM-M-26341-2022****-4-**

9. On the other hand, the learned counsel for respondent Nos.2 and 3 while referring to the reply dated 13.07.2023 contends that though there were multiple cases against the answering respondents, it was the present petitioner/complainant who was the first informant in those cases. The private respondents had always cooperated with the investigation even after the anticipatory bail had been granted to them. The case was based entirely on documentary evidence which was available with the Department. There were no allegations of the answering respondents threatening or intimidating witnesses most of whom were official in nature or that they were a flight risk. Be that as it may, the report under Section 173(2) Cr.P.C. already stood submitted and charges had been framed against them. Therefore, at this stage, their custody was not required. Even otherwise, the considerations for grant of bail and cancellation of bail were completely different and no conditions existed for the cancellation of bail already granted to them. He, therefore prays that the present petition was liable to be dismissed.

10. I have heard the learned counsel for the parties.

11. A perusal of the impugned order show that the Public Prosecutor for the State and the counsel for the complainant were heard prior to the passing of the impugned order. It was the finding of the Court that the veracity and authenticity of the documents alleged to be forged were to be ascertained by the Investigating Officer. As the accused had been appointed in the year 1998 and were continuing in service since then and the case pertained to documentary evidence, their custodial interrogation was not

**CRM-M-26341-2022****-5-**

required. The reasoning adopted by the Addl. Sessions Judge, Panipat cannot be faulted with. In addition, it may be pointed out that the impugned order was passed on 24.05.2022 after which the report under Section 173(2) Cr.P.C. stood submitted and charges have been framed against the private respondents on 24.05.2022. There is absolutely nothing on record to suggest that in the last two years, the private respondents have either threatened witnesses or attempted to flee from justice.

12. As the reasoning adopted by the Addl. Sessions Judge, Panipat while granting anticipatory bail to the petitioner cannot be faulted, the report under Section 173(2) Cr.P.C. stands presented and charges have been framed, the question of cancelling the anticipatory bail granted to the private respondents and committing them to custody at this stage does not arise.

13. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

07.08.2024

JITESH

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