

2024:PHHC:057575

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-54496-2023(O&M)
Date of Decision : April 29, 2024

ASHOKPetitioner

VERSUS

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr..V.P.Sangwan , Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 26.10.2023, the following order was passed:-
- “The petitioner has filed the present petition for grant of anticipatory bail in case FIR No. 0021, dated 21.1.2023, under Sections 120-B, 420, 467, 468, 471 IPC, registered at Police Station Bhiwani, Civil Lines, District Bhiwani.*
- Learned counsel for the petitioner submits that the petitioner is only on a post of Secretary in the society, which manages the affairs of the school concerned, and the petitioner has no concern with the procedure and the affairs of the admission process as this aspect is completely managed by the ministerial staff of the school. He has further submitted that the school has transferred all the documents of the students concerned, who have been admitted in the school and the equivalence certificate enclosed with the examination form to the complainant-Board and it was the duty of the Board to evaluate and examine the validity of such documents, but the same has not been done by the Board at the appropriate time and now in order to avoid their liability, they have lodged the present FIR. He has further submitted that the petitioner has not been named in the present FIR and no role whatsoever has been*

assigned to him. He has further submitted that the name of the petitioner has surfaced only in the statement of one of the students, who has taken admission in the school.

Notice of motion for 10.1.2024.

On the asking of the Court, Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf of the State of Haryana.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer concerned. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Thereafter, the petitioner was directed to join the investigation. On 10.1.2024, the learned State counsel on instructions imparted to him by the IO, had informed this Court that though the petitioner had joined the investigation but he was not co-operating with the IO. Thereupon, the petitioner was directed to join the investigation.
3. Thereafter a reply was filed by the learned State counsel, which was taken on record. From the perusal of the reply, it transpired that it is a case which is based upon documentary evidence.
4. In view of the above, the present petition is **allowed** and order dated 26.10.2023 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

April 29, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No