



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-62866-2023

Date of decision: 29.07.2024

State of Haryana

.....Petitioner

Versus

Jaibir Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Trishanjali Sharma, DAG, Haryana
for the petitioner.

Mr. Akashdeep Singh, Advocate
for the respondent-accused.

MANJARI NEHRU KAUL, J. (ORAL)

1. The State is seeking cancellation of bail under Section 439(2) read with Section 482 of the Cr.P.C. granted to the respondent-accused vide order dated 28.03.2023 by learned Additional Sessions Judge, Rohtak (Annexure P-1) in case FIR No.05 dated 01.03.2023 under Sections 198/420/466/468/470/471 of the IPC registered at Police Station Anti Corruption Bureau, Rohtak.

2. Reply on behalf of the respondent-accused has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned State counsel contends that the learned Trial Court vide the impugned order erroneously granted the concession of anticipatory bail to the respondent-accused without considering the



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seriousness and gravity of the offence, specifically the submission of forged educational certificates by the respondent-accused to secure a Government job. Drawing the Court's attention to the FIR which has been annexed as Annexure P-2, learned State counsel has submitted that there are serious allegations against the respondent-accused, who deceitfully obtained employment as Panchayat Secretary using fake certificates, causing wrongful loss to the State exchequer. Furthermore, the respondent-accused, now holding the position of Tehsildar, is in a position to influence witnesses and tamper with evidence. It has still further been argued that despite a status report detailing the non-cooperation by the accused during investigation after being granted interim anticipatory bail, as well as prayed for custodial interrogation of the respondent-accused to recover the forged certificates and ascertain their preparation, the learned Trial Court overlooked these factors and erroneously made the interim anticipatory bail absolute.

4. Learned State counsel has submitted that no doubt the respondent-accused had joined investigation, however, it has been asserted that since he had failed to cooperate with the investigating agency, his custodial interrogation was required to uncover the involvement of other persons who helped him in preparing forged certificates and to recover the stamp apparatus used for creating fake degree.

5. Per contra, learned counsel for the respondent-accused has opposed the prayer and submissions made by the learned State counsel, by arguing that the impugned order was a well reasoned one and



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warranted no interference; the alleged incident dates back to the year 2012, when the respondent-accused was recruited as Panchayat Secretary and subsequently was appointed as an Election Tehsildar in the year 2014. The present FIR was lodged after a significant delay of more than 04 years. It has been asserted by the learned counsel that the learned Trial Court rightly allowed the respondent-accused to join investigation vide order dated 22.03.2023, observing that the case in hand rested on documentary evidence and in the circumstances, custodial interrogation would serve no useful purpose. The respondent-accused had duly complied with the order and joined investigation and it was only thereafter the learned Trial Court had made the interim order absolute.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. It is clear that the learned Trial Court vide order dated 22.03.2023 directed the respondent-accused to join and cooperate with the investigation, and only after he had duly complied, his interim anticipatory bail was made absolute. No doubt, a vehement prayer had been made for custodial interrogation of the respondent-accused to recover certain documents, the Court at the stage of considering a plea for anticipatory bail cannot delve into the realm of recovery. Moreover, since the case hinges on documentary evidence coupled with the fact that as admittedly after being extended the concession of bail vide the impugned order, the respondent-accused has not breached any conditions of the bail or been involved in any other criminal case, his

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custodial interrogation would not serve any useful purpose. No ground is, therefore, made to accept the prayer of learned State counsel for cancelling the concession of anticipatory bail granted vide impugned order dated 28.03.2023.

8. Accordingly, the instant petition is hereby dismissed.
9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.07.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE