

2025:PHHC:076129



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

**CRM-M-32532-2025 (O&M)
DECIDED ON: 16.06.2025**

NARENDER KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

CRM-24801-2025

Application is allowed, as prayed for.

Exemption from filing the certified copies of Annexures and for placing on record the photocopies of the Annexures is granted.

CRM-M-32532-2025

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023/ 438 of Code of Criminal Procedure, 1973, for grant of Anticipatory Bail to the applicant in Case FIR No. 462 dated 31.12.2024 registered at Police Station Baldev Nagar, Ambala under sections 420, 467, 468, 471 IPC.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“From Suresh Kumar, HPS, DSP for Commandant, 1st Battalion, Haryana Armed Police, Ambala City. To The Superintendent of

Police, Ambala. No. 12678/OSI, dated 26-12-2024 Subject: -Criminal proceeding against Ex. Const. Narender Kumar, No. 1/250. Memo: Sh. Narender Kumar S/o Sh. Hari Kumar, Caste Brahman, R/o VpoBapora, Police Station Sadar Bhiwani, Distt. Bhiwani was enlisted as Constable in Police Department on 13.08.2023 subjected to the verification of his educational certificates. He submitted a certificate of passing Graduation (Bachelor of Arts) from Himalayan University, Itanagar, Arunachal Pradesh, bearing registration No. T015101010213037 at the time of applying for the said post and the same was sent to the Himalayan University, Itanagar, Arunachal Pradesh for verification. During the verification, it was intimated by the Himalayan University, Itanagar, Arunachal Pradesh, that the mark sheets of Graduation (Bachelor of Arts) 1st year and 2nd year were not issued by them and thereafter 1st and 2nd year mark sheets of the above mentioned official were sent to The Controller of Examination Eastern Institute for Integrated Learning in Management University, (EIILM), Sikkim for verification. But reply of above letter was not received from the concerned university. Thereafter, The Director, Directorate of Higher Education, Department of Education, Govt. of Sikkim (Gangtok) stated that ..."Bachelor of Art is not UGC recognized course for EIILM, university, Sikkim. Therefore B.A 1st year and 2nd year mark sheets of Narender Kumar bearing roll no. 41487 and M113673 as mentioned in the letter is not valid/genuine. Thereafter, an enquiry was marked to DSP Sh. Shakti Singh, HPS of this office to enquire/verify the same from the University Authorities. The Enquiry Officer submitted his report dated 09.12.2024 and bearing dairy No 10845 dated 18.12.2024, wherein he submitted that mark sheets with enrollment No. EIILMU/10/S3587, Roll No 41487 and M113673 are "Fake and Fabricated. After going through the official record and enquiry report, the certificate submitted by Ex. Ct Narender Kumar were found to be fake fabricated. Consequently, his candidature was cancelled and his services were dispensed as per prescribed Rules/instructions. In view of the above, it is requested to your good

office to take appropriate legal/criminal action against Ex. Constable Narender Kumar, No. 1/250 for fabricating educational certificate while applying for the above mentioned recruitment. In this regard attention is drawn towards point no. IV (ii iv) of the state government instructions issued vide Memo No. 52/08/2022-3 GS-III Dated 23.06.2022 :-(ii) ".....In the provisional appointment letter, it will be clearly mentioned that in case character and antecedents of the candidate is found not verified or any false information is given by the candidate in his self-declaration, the provisional appointment letter will be cancelled forthwith and other criminal/legal action will be taken, as a consequence. (iv) "Since the candidate will submit the self-declaration, in case any of the information is found incorrect, or in case, the verification confirms that facts given by the candidate were not correct, then the appointing authority shall cancel the appointment letter forthwith. The candidate shall be rendered unfit for any Government employment and appointing authority shall undertake other criminal/civil/legal action as per provisions of Indian Penal Code (IPC) etc. as deemed fit. Encls. As Above. SD:-(Suresh Kumar) HPS, DSP Commandant, 1st Bn. HAP, Ambala City."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is no iota of evidence against the petitioner and from the perusal of the FIR, no offence is made out against him. He further submits that the Investigating Agency has not yet verified the documents from the Sikkim University. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Ms. Mayuri Lakhanpal Kalia, DAG Haryana, accepts notice on behalf of respondent/State. She prays for dismissal of the present

petition stating that the petitioner has submitted fake certificates, therefore, his custodial interrogation is required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that investigating agency has not verified the documents from the Sikkim University and State could not put forth any incriminating material to connect the petitioner with the alleged commissioning of offence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.06.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>