



CRM-M-61757-2024

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

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CRM-M-61757-2024

Date of decision: 24th April, 2025

Naveen

...Petitioner

Versus

State of Haryana

...Respondent

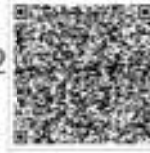
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Apurva Walia, Advocate and
Mr. Saurav Bhatia, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

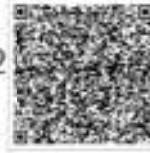
MANISHA BATRA, J (ORAL):-

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.377 dated 08.11.2024 registered under Sections 420, 467, 468 and 471 of IPC, at Police Station Baldev Nagar, District Ambala.
2. The aforementioned FIR was registered on the basis of a complaint lodged by Commandant, Ist Battalion, Haryana Armed Police, Ambala City alleging therein that the present petitioner was enlisted as a Constable in Police Department on 06.03.2023 subject to verification of his educational qualification certificates. He had submitted a certificate/mark sheet showing him to be a graduate in Bachelor of Science from the Global University, Hollongoi, Itanagar (for short, '*the University*') during the session 2019-20. The above said certificate was sent to the University for



verification and in response thereto, it was intimated by the Vice Chancellor of the University that the first academic session of the University had been started in the year 2023-24 only and no degree/diploma/certificate had been issued by the University to any person. It was also informed that the logo displayed in the certificate/mark sheet of the petitioner did not belong to the University. On the basis of this report, an inquiry was ordered to be conducted by an officer of the rank of Inspector. As per the inquiry report submitted by him, the mark sheet submitted by the petitioner was fake and fabricated. The candidature of the petitioner was cancelled and his services were dispensed with. While alleging that the petitioner had committed offences of cheating and forgery, prayer had been made for taking action. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 26.11.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, he is the victim in this case since fraud has been committed upon him by the University that had firstly issued a certificate in his favour and then took a somersault and denied issuance of the same. The case pertains to documentary evidence which is already in custody of investigating agency. As such, his custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. The ingredients for commission of offences of cheating and

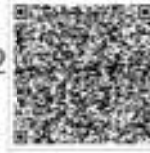


forgery are not made out, even if the allegations in the FIR, are taken to be correct on their face value. With these broad submissions, it is urged that he deserves to be extended benefit of pre-arrest bail.

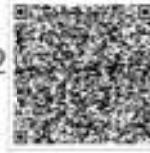
4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are serious and specific allegations against the petitioner as he tried to hoodwink the authorities of the Department of the complainant by representing that he was a graduate, holding degree in Bachelor of Science whereas, his mark sheet was found to be fake and fabricated but the same was used as genuine before the Selection Committee and on the basis of this forged documents, he was ordered to be selected. The Department was induced to select him on the basis of fake documents. His custodial interrogation is must for conducting thorough and proper investigation in the matter. No exceptional and extraordinary circumstances for grant him pre-arrest bail is made out. Accordingly, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have submitted a fake and fabricated educational certificate before the Selection Committee of Police Department for securing a job as a Constable. The petitioner is claiming to be a victim himself. However, nothing has been placed on record by him to show that he had ever taken admission in the University, had attended classes and the course which is mentioned in the forged certificate was being pursued during the session 2019-20 and that he had taken examination. The allegations in



the FIR *prima facie* make a case of committing cheating and forgery by the petitioner. The case is still at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th April, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No