



CRM-M-66199-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Sachin Kumar ...Petitioner

V/s

State of Haryana ...Respondent

Date of decision: 26.11.2025

Date of Uploading: 26.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jaivir Yadav, Senior Advocate for
Mr. Nitish Sharma, Advocate for the petitioner.
Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.1488 dated 22.12.2022 registered for offences punishable under Sections 471, 468, 467, 420 of IPC at Police Station Hisar Sadar, District Hisar.
2. The prosecution case, in brief, is that a letter Diary No.10706 dated 09.12.2022 was received in the office of the Superintendent of Police, Hisar from the Commandant, HAP-DURGA-Ist Battalion, Hisar requesting registration of a criminal case against candidate Divya Kumari (No.3354/01) vide communication dated 06.12.2022. It was stated that 698 female candidates had been allotted to the battalion for appointment to the post of Constable in terms of DGP Haryana office endorsement No.8730-32/E(LI)-1 dated 28.04.2020. During verification of educational qualifications from the



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concerned Universities, it was found that candidate Divya Kumari, daughter of Ram Niwas Roll No.4203110724, Category BC-B, resident of Jussainka, Tehsil Pataudi, District Gurugram, had submitted forged/bogus educational documents specifically a graduation degree from Manav Bharti University, Himachal Pradesh and a Post Graduation degree from Karnataka State Open University, Mukthagangotri, Mysore. The original certificates and the verification reports confirmed that these documents were fake. Based on this information, a formal FIR was registered and investigation commenced and the forged documents were taken into possession. Pursuant to the order dated 16.05.2024 passed in CRM-M-12569-2024 titled *Divya Kumari vs. State of Haryana*, the accused Divya Kumari joined the investigation and during the inquiry, she disclosed that the BA and MA degrees had been provided to her by the present petitioner – Sachin Kumar who also arranged for her to appear in the BA examination. The challan against Divya Kumari has been prepared and presented before the Court. A pen-drive containing conversations between Sachin and Mohit (brother of Divya Kumari) has also been seized by the police.

3. Learned senior counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated in the present case solely on the basis of the disclosure statement of co-accused Divya Kumari, that too after an inordinate delay of nearly two and a half years from the date of registration of the FIR. Learned senior counsel has further iterated that no allegations have been levelled against the petitioner in the FIR, nor is any recovery required to be effected from him. Learned counsel has further

submitted that the prosecution version appears to be highly improbably and



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the entire case hinges upon the documentary evidence, all of which is already in the custody of the investigating agency, thereby leaving no scope for tampering or interference. Furthermore, the main/principal accused namely Divya Kumari, who is alleged to have actually used the forged educational certificates, has already been granted the concession of anticipatory bail by this Court vide order dated 11.05.2024 passed in CRM-M-12569-2024. Hence, on the principle of parity, the petitioner too deserves the same relief. Learned counsel has further submitted that the investigating agency is attempting to falsely implicate the petitioner merely because the brother of the petitioner namely Sanjay, who was running a coaching centre and have dealings with the co-accused, unfortunately passed away on 29.04.2024. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process of law. It has been further argued that the petitioner has clean antecedents and is willing to fully cooperate with the investigation. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the disclosure statement of the co-accused is duly corroborated by electronic evidence seized during investigation. According to learned State counsel, the petitioner is stated to be the person who arranged the bogus degrees and facilitated the examination and forming part of a larger



fraudulent mechanism in securing public employment. Learned State counsel has emphasized that the custodial interrogation of the petitioner is essential to unearth the entire chain of persons involved and the source of the forged documents. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The material which has come on record indicates that the allegations against the petitioner pertain to procurement and supply of forged degrees for securing recruitment into the police force. The mere fact that the petitioner was not named in the FIR is of no help as the FIR is not expected to be encyclopedia of facts and the role of the petitioner surfaced during the course of investigation on the basis of material subsequently collected. Furthermore, the disclosure statement of the co-accused has led to the recovery of the electronic material which *prima facie* corroborates the involvement of the petitioner and, therefore, cannot be brushed aside at this stage. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is essential to trace the source of the forged documents and unravel the larger conspiracy (if any). The delay in implicating the petitioner does not weaken the prosecution case as the role of the petitioner surfaced only during investigation. The plea of parity with co-accused namely Divya Kumari is also misplaced as her role as a beneficiary is



the forged documents. The role attributed to the petitioner is demonstrably more active, grave and culpable in comparison to that of the co-accused who have already been enlarged on bail. The petitioner is alleged to have played a central and overarching role in the commission of the offence indicating a higher degree of involvement and *mens rea*. Accordingly, the petitioner cannot claim parity with the co-accused as the principle of parity does not apply where the degree of participation and the gravity of allegations materially differ. The seriousness and gravity of the allegations weigh heavily against the grant of anticipatory bail to the petitioner. The allegations against the present petitioner relate to the procurement, facilitation and use of the forged educational degrees for securing public employment in the police force. Such an act strikes at the root of the institutional integrity and public trust and therefore warrants a strong judicial approach.

7.1. It is trite law that anticipatory bail is an extraordinary remedy not to be granted as a matter of course particularly in cases involving forged educational degrees for securing public employment in the police force. While considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. In the considered opinion of this Court, granting anticipatory bail to the petitioner at this stage may likely to hamper the on-going investigation. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding



individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

9. Considering the gravity of the allegations, the potential impact on the integrity of the recruitment process and the necessity of custodial interrogation, this Court is of the considered opinion that the petitioner does



not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 26, 2025
Ajay

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