



\$~12

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4210/2024 & CRL.M.A. 34603/2024**

VAIBHAV CHAUHAN

.....Applicant

Through: Mr. Ankit Mehta, Mr. Varun Singh,
Mr. Lakshya Joshi, Mr. Vipin Kr.
Premi, Ms. Yogita, Mr. Sandeep
Kumar Chaudhary, Mr. Pawan and
Mr. Ashish Bharani, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP with Mr.
Karandeep Singh, Advocate.
Insp. Sangita Tiwari, Div/North East,
Seelampur, Delhi.
Mr. Vikram Pawar, Mr. Vikram
Singh Dalal, Mr. Nitin Chaudhary,
Mr. Ajay Kumar, Mr. Pratham and
Ms. Yashpriya Soham, Advocates
for Complainant.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

09.01.2025

1. The present application has been filed under Section 438 of the Code of Criminal Procedure, 1973¹ seeking pre-arrest bail in connection with FIR No. 550/2024 under Sections 465/467/468/471 of the Indian Penal Code,

¹ "CrPC"



1860² at Police Station Harsh Vihar.

2. A brief background of the case is as follows:

2.1. On 10th April, 2024, upon a complaint filed by one Mr. Ajay Kumar, the afore-noted FIR was registered against the Applicant. The Complainant alleges that on 05th February, 2024, Applicant quarrelled with the Complainant and his junior in Ghaziabad Court complex. In respect of the said incident, the Complainant registered an FIR No. 167/2024 against the Applicant under Sections 147/323/504/506/354 of IPC in Kavi Nagar Police Station, Ghaziabad, Uttar Pradesh.

2.2. Ever since the Complainant registered the aforesaid FIR, the Applicant and his father have been threatening the Complainant with dire consequences. Further, the Complainant alleges that it came to his knowledge that the Applicant has obtained a law degree on the basis of fake documents. Specifically, it is alleged that Applicant has obtained fake law degree from CCS University by submitting fake certificate of Class 12th from Board of Secondary Education Madhya Bharat, Gwalior.³ During the enquiry, a photocopy of the Applicant's marksheet of Class 12 from the said Board was provided by the Complainant and thereafter, a notice was served to the Applicant to provide a copy of his Class 12 marksheet, which was duly provided by the Applicant. For verification, the Council of Board of School Education was also requested to provide a list of recognized board/council in India and as per the list, the alleged Board did not find mention.

² "IPC"

³ "the alleged Board"



2.3. Further search was also conducted on the website “cobse.org.in/recognised-educational-boards-list” wherein list of 71 boards established under the Government of India/ State were found, however, the alleged Board was again not mentioned. This was confirmed by the Ministry of Home Resource and Development through their reply in the proceedings initiated before the Division Bench of this Court in W.P. (C) 8301/2016⁴ where a similar issue was raised regarding the recognition of the alleged Board. Consequently, a raid was conducted and the director of the alleged Board was also arrested.

2.4. Additionally, an FIR bearing No. 1202018A0006 dated 26th July, 2018 was registered by CBI, Dehradun against the Chairman of the alleged Board. A team was also sent to Gwalior for verification of the alleged Board and reply was obtained from the office of the Education Board District Gwalior, Madhya Pradesh, confirming that the said Board is not affiliated with the Education Board.

3. In the afore-noted background, the Court has heard counsel for parties. Mr. Mukesh Kumar, APP, contends that Applicant is not co-operating in the investigation. The original documents, particularly the Class 12 certificate and the marksheets, have not been provided by the Applicant. Moreover, he has also failed to give the name and address of the institution/ school from which he obtained his Class 12 exam. Furthermore, since the Applicant is not co-operating and the question of forgery also has to be investigated, Applicant’s custodial interrogation is necessary. Therefore, the

⁴ titled *Raju Kumar Sah v. Union of India*



request for anticipatory bail ought to be declined.

4. In response, counsel for Applicant submits that this Court on 29th November, 2024 had passed an interim direction that no coercive action shall be taken against him. Since then, the Applicant has joined and cooperated in the ongoing investigation. He further states that the original certificates are not with him and has already instituted a complaint in this regard. He undertakes that he is willing to appear before the Investigating Officer, whenever the need so arises and further assures to not misuse the liberty of bail in any manner.

5. Counsel for Applicant, on instructions, states that he has carried out his education from (Open Centre) R.J. Puram, DD Nagar, Gwalior Chowk, Near Petrol Pump.

6. The Court has considered the facts of the case and the contentions advanced by the parties. In the instant case, it is noted that Applicant's registration with the Bar Council of Delhi has already been suspended as communicated to him through notice dated 22nd October, 2024. As regards the original certificate of Class 12, which is required to be verified by the prosecution, it is the specific stand of the Applicant that the said certificate, along with other articles and documents, was taken away by his estranged wife while separating from him. He asserts that he a DD, in this regard was recorded on 06th January, 2024 by the concerned police authorities.

7. The question regarding the genuineness of the documents, particularly, Class 12 certificate of the Applicant and whether the Board of Secondary Education Madhya Bharat, Gwalior was authorised and competent to conduct Class 12 examination and issue the certificate, is a



question which can be ascertained independently. In fact, as noted above, CBI is also investigating into this issue. Considering the above, the question of forgery, which is subject matter of the FIR in question, can be carried out independently through documentary evidence and does not require the custodial interrogation of the Applicant.⁵ Even as per the stand of Applicant, these certificates are not available with him.

8. Considering the overall facts and circumstances of the case, the Court is inclined to grant pre-arrest bail to Applicant. The Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 50,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

9. In the event of there being any FIR/DD entry / complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

10. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence

⁵ See also: *Krishnan Subramanian Vs. State NCT of Delhi*, 2022: DHC:1805



the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

11. The application is allowed in the aforementioned terms.
12. Disposed of along with pending application.

SANJEEV NARULA, J

JANUARY 9, 2025
d.negi