



CRM-M-67143-2025

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

CRM-M-67143-2025

Decided on: 21.01.2026

Rajender Singh

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Petitioner in person alongwith
Mr. S.S.Siao, Advocate (through VC).

Rajesh Bhardwaj, J.

1. Present petition has been filed under Section 379 BNSS (earlier Section 340 Cr.P.C.) read with Section 215(1)(b) BNSS (earlier Section 195(1)b (i) & (iii) Cr.P.C.) and Section 213 BNSS (earlier Section 193 Cr.P.C.) read with Section 528 BNSS (earlier Section 482 Cr.P.C.) praying that a criminal complaint be referred to the competent Court at Panchkula, against respondent No.2, as he committed *prima facie* offence under Sections 299 BNS read with Section 227/228 BNS, concealing the true facts of case.

2. Learned counsel for the petitioner has submitted that the petitioner was initially appointed on 30.11.2002 as *Accountancy and Auditing Instructor (Theory & Practical)* in the Department of Industrial Training and Vocational Department, Government of Haryana, and joined service on 03.12.2002. Vide Government decision dated 13.05.2008, the services of the petitioner were permanently absorbed in the School Education Department, Haryana and now he is posted at Government Girls Senior Secondary School, Kaithal and his seniority was protected from the



date of joining i.e. 03.12.2002. He submits that the petitioner was relieved from the earlier department on 23.04.2009 and joined the School Education Department on 24.04.2009 and since then he is continuously serving there. He has submitted that the date of superannuation of the petitioner is 31.05.2027. It is submitted that designation of the petitioner was changed from "Instructor" to "Lecturer" vide Government order dated 24.10.2007, and since then, the petitioner has continuously held the post of Lecturer/PGT and thus, his whole service record is as Lecturer. He submits that the post of Principal of the present school has been lying vacant with effect from 01.03.2024, at which time the petitioner was posted in the said school and he was entitled and eligible to be given the DD authority/DDO power in pursuance to the instructions dated 22.01.2016 and 09.09.2016 and being the senior most regular lecturer of the school. However, ignoring the said fact, the DD authority has been given to the junior most lecturer of the present school. He further submits that the petitioner moved a representation to the District Education Officer, Kaithal to provide the DD authority of the school to the petitioner being the most senior lecturer against the vacant post of Principal. He submits that the representation filed by the petitioner was decided by respondent No.2 only after the petitioner had filed CWP-7280-2024 and COCP-2602-2024, and that too vide order dated 16.09.2024, wherein wrong and false information was furnished to this Court, rejecting the claim of the petitioner in respect to assigning the DD Power. He has drawn the attention of this Court to the evidence about holding the post of lecturer by the petitioner, which are as under:-



- “1) As per service record of the petitioner on 24.10.2007 vide order of Haryana Govt. the designation of the post of the petitioner was changed from Instructor to Lecturer.
- 2) The employee cum experience certificate dated 20.03.2008 reveals as Lecturer.
- 3) The service book of the petitioner shows him as Lecturer from 2007 to till date.
- 4) The ACP sanction order reveals the post of petitioner as Lecturer.
- 5) The appointment letter issued by the Board of School Education Haryana, Bhiwani regarding sub examiner of evaluating the answer sheets reveals as Lecturer/PGT.”

Learned counsel for the petitioner has, thus, submitted that respondent No.2 has deliberately suppressed and concealed the true and correct service record of the petitioner, misleading this Court with an intention to cause prejudice to the petitioner, and that such conduct warrants initiation of criminal proceedings against respondent No.2. He further submits that the order dated 16.09.2024 was challenged by the petitioner by way of filing CWP-31117-2024, however, the same was dismissed by this Court vide order dated 06.02.2025, which was further assailed by the petitioner by way of filing LPA-1095-2025, which was disposed of by Hon'ble Division Bench of this Court vide order dated 04.07.2025. He further submits that in LPA filed by the petitioner, respondent No.2 misinterpreted its own instructions dated 09.09.2016 intentionally to debar the petitioner from his right. He has relied upon the judgments rendered in the case of CTR Manufacturing Industries Ltd. vs. Sergi Transformer

Explosion Prevention Technologies Pvt. Ltd. and others, 2014(1) RCR



(Criminal) 131 (Bombay); M/s Sciemed Overseas Inc. Vs. BOC India Limited and others, 2016(1) RCR (Civil) 869 (Supreme Court); Suo Moto Proceedings against R.Karuppan, Advocate, 2001(2) SCT 1097; and Muthu Karuppan vs. Parity Ilamvazhuthi, 2011(2) RCR (Criminal) 829. He, thus, submits that such conduct of respondent No.2 clearly attracts the ingredients of perjury, as well as fraud upon the Court, rendering the impugned speaking order, which is totally unsustainable in the eyes of law.

3. The Court has heard learned counsel for the petitioner and perused the record. The issue raised is that respondent No.2 has passed the speaking order dated 16.09.2024 in an illegal and arbitrary manner, rejecting the petitioner's claim for assignment of Drawing and Disbursing (DD) Power, on the basis of an incorrect appreciation and incomplete disclosure of the petitioner's service record, which has resulted in misleading this Court and vitiating the impugned order. Thus, the petitioner filed the present petition for initiating proceedings under Section 340 Cr.P.C. against respondent No.2.

5. For proper adjudication of this case, appreciation of Section 340 Cr.P.C is necessary, which read as under:

“340. Procedure in cases mentioned in Section 195.

(1) When upon an application made to it in this behalf or otherwise any Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given evidence in a proceeding in that



Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary, -

- (a) record a finding to that effect;
- (b) make a complaint thereof in writing;
- (c) send it to a Magistrate of the first class having jurisdiction;
- (d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such magistrate; and
- (e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of Section 195.

(3) A complaint made under this section shall be signed, -

- (a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;
- (b) in any other case, by the presiding officer of the Court [or by such officer of the Court as the Court may authorise in writing in this behalf.] *[Substituted by Act 2 of 2006, Section 6, for Cl. (b) (w.e.f. 16-4-2006). Prior to its substitution, Cl (b) read as under : - [(b) in by other case, by the presiding officer of the Court].]*

(4) In this section, "Court" has the same meaning as in Section 195.

6. There is no gainsaying that, if at all, any misrepresentation, concealment, or incorrect disclosure regarding the petitioner's service record by respondent No.2 had occurred, no such material was formally placed on record before this Court. Consequently, the Court was not in a

position to examine or adjudicate upon such alleged concealment, and the same cannot be treated as having been proved or established in these proceedings. Hon'ble Supreme Court in case of Iqbal Singh Marwah vs. Meenakshi Marwah, (2005) 4 SCC 370 has held that in view of the language used in Section 340 Cr.P.C., the Court is not bound to make a complaint regarding the commission of an offence referred to in Section 195(1)(b) Cr.P.C. as the Section is conditioned by the words 'court is of opinion that it is expedient in the interest of justice'. This shows that such a course will be adopted only if the interest of justice requires the Court to so do and not in every case.

7. This is no dispute regarding the law relied upon by the counsel for the petitioner, however, the same are distinguishable in the facts and circumstances of the present case.

8. Weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that the petitioner has failed to produce any cogent evidence to substantiate his claim that Respondent No.2 acted in an arbitrary or *mala fide* manner. In the absence of any material to demonstrate illegality or perversity in the order dated 16.09.2024, this Court is not inclined to interfere. Accordingly, the present petition is, hereby, dismissed.

21.01.2026
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

(RAJESH BHARDWAJ)
JUDGE