

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 103

Criminal Miscellaneous No.M-30873 of 2016 (O & M)
Date of Decision: September 06, 2016

Kherunisha

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL Singh**

. . .

PRESENT: - Mr. Satish Chaudhary, Advocate, for the petitioner.

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Jaspal Singh, J

1. This is a petition preferred by Kherunisha under Section 438 Cr.P.C. seeking pre-arrest bail, apprehending his arrest in case FIR No.97 dated April 2, 2016 under Sections 420, 467, 468, 471 IPC, registered at Police Station, Tauru, District Mewat.

2. Learned counsel for the petitioner contends that petitioner is an innocent lady and has been falsely implicated in this case. Petitioner is the elected Sarpanch of village Shikarpur, Block Tauru, District Mewat. The instant case has been registered at the instance of Hasan son of Bashir, resident of village Shikarpur, who is simply a voter. The only allegation against the petitioner is that qualification certificate used by her is bogus, forged and fabricated document. Learned counsel further contends that Transfer Certificate has been issued by a duly recognized Institute. Due to

party faction, petitioner has been involved in this case by filing some frivolous complaints. Two other candidates namely Sakunat wife of Salamu and Shehnaj wife of Jaan Mohammad filed two separate complaints before the Election Tribunal on similar grounds. The petitioner has presented her certificate of educational qualification and is continuously appearing. Besides the aforesaid complaints, Hasan presented a complaint dated January 28, 2016 to Deputy Commissioner who entrusted the enquiry to City Magistrate, Nuh regarding education certificate of petitioner. Without waiting for the enquiry report, complainant filed an application under Section 156(3) Cr.P.C. for registration of FIR. Learned counsel has contended that petitioner is ready to join the investigation and cooperate with the Investigating Agency, and further, shall abide by all the terms & conditions imposed upon her in case she is granted the concession of interim bail.

3. This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner and perused the file.

4. The instant case has been registered at the instance of Hasan son of Bashir, resident of village Shikarpur. Two other complaints are also pending against the petitioner before the Election Tribunal regarding the genuineness of qualification certificate presented by her during nomination for elections of Sarpach. Besides, petitioner is also facing enquiry before City Magistrate, Nuh.

5. Undisputably, petitioner filed her nomination form for election of Sarpanch of village, Shikarpur, Tehsil Tauru, District Mewat. Petitioner also submitted her 8th class school certificate issued by Sarve Kalyan Junior High School, Bullandshahar. On an information sought by the

Education Officer, Bullandshahar sent information on February 22, 2016 to the effect that Sarve Kalyan Junior High School was not recognized in the year 1991. Besides, District Education Officer, Bullandshahar submitted his report dated March 1, 2016 to the effect that Transfer Certificate issued to the petitioner is totally false and the same has been issued by the school by tampering with the record. The school officials destroyed the old admission register and fabricated a false and forged admission register in place thereof. District Education Officer also submitted in his report that Transfer Certificate was issued to the petitioner in illegal manner. In this view of the matter, the allegations levelled against the petitioner are serious in nature. Her Custodial interrogation is necessary to unearth all the ramifications involved in this case.

6. In the light of what has been observed, this court is of the considered view that no ground to exercise discretionary power under Section 438 Cr.P.C. is made out. Resultantly, the petition is dismissed.

September 06, 2016
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(Jaspal Singh)
Judge