

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

**Crl. Misc. No.M-28364 of 2017 (O&M)
Date of Decision: December 07, 2017**

Kherunisha

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gautam Dutt, Advocate
for the petitioner (s).

Mr. Deepak Grewal, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.89 dated 15.03.2016 registered for the offences punishable under Sections 420, 467, 471 read with Section 120-B of Indian Penal Code, at Police Station Hathin, District Palwal.

Heard.

FIR in this case was registered against the petitioner, who contested the election of Sarpanch, on the allegation that she had given her wrong date of birth while submitting nomination forms to contest the election.

As per school leaving certificate of petitioner issued by Chhattar Singh Arya Inter College, Khanpur, Mathura, her date of birth is

06.10.1994. It has come in evidence that after studying there upto 5th class, petitioner got admission in Government Senior Secondary School, Jamalgarh, Mewat (Nuh). In this school record, her date of birth was recorded as 06.05.1998. However, in school leaving certificate of Mathura, date of birth was recorded as 06.10.1994. The certificate issued by Inter College, Khanpur Mathura has been verified and found to be correct.

In view of the above facts, it is for the investigating officer to verify as to how the mistake of date of birth of petitioner has taken place when she got admission in the school of Mewat (Nuh). Even in the report of District Education Officer, Palwal, it is mentioned that both the certificates were found to be genuine but date of birth containing in both the certificates are different.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to surrender before the police and join investigation. In the event of her arrest being required, she will be allowed anticipatory bail on her furnishing bail bond and surety bond to the satisfaction of Arresting Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which she shall lose the benefit of interim bail allowed to her.

December 07, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***