

2023:PHHC:163971

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

206

CRM-M-32164-2023

Date of Decision : **December 20, 2023**

KHALEEL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Divyam Singh, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 6.7.2023, the following order was passed:-

“The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail in case FIR No. 155 dated 30.05.2023 registered under Sections 420, 467, 468 and 471 of the Indian Penal Code, at Police Station Dhauj, District Faridabad.

It is submitted by counsel for the petitioner that the petitioner had passed the matriculation examination from the Haryana State Open Board of Schooling in the year 2011 i.e. much prior to the date of contesting elections for the post of Sarpanch. However, now the petitioner has been removed from the post of Sarpanch and a criminal case has been registered against him alleging that the certificate produced/claimed by the petitioner is not from a recognized Board. Counsel for the petitioner has submitted that since the said Board was operating without any objection from the State, therefore, at least, the petitioner cannot be blamed for obtaining certificate from the said Board, simply because the concerned authorities had failed to take appropriate

action against the said Board.

Notice of motion.

On the asking of Court, Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf the respondent – State.

Adjourned to 04.08.2023.

The Secretary (Education), Haryana is directed to remain personally present in the Court on the next date of hearing with a report qua action taken against the said Board if the same is not having any valid recognition.

Meanwhile, in the event of arrest, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

2. Today, the learned State counsel has filed the status report in compliance of order dated 31.10.2023, which is taken on record. The status report reveals that the petitioner has joined the investigation and has handed over the matriculation certificate enabling the investigating agency to complete the investigation.

3. In view of the specific stand taken by the learned State counsel that the petitioner is not required for any custodial interrogation, the present petition is allowed and order dated 6.7.2023 is, hereby, made absolute.

(KULDEEP TIWARI)
JUDGE

December 20, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No