



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-27034-2024 (O&M)
Date of decision: 05.08.2024

NISHANT TANWAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Anu Garg, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 27.05.2024, this Court had passed the hereinafter extracted order,
upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.21 dated 21.01.2023, under Sections 120-B, 420, 467, 468, 471 of the IPC, registered at P.S. Bhiwani Civil Lines, District Bhiwani.

2. The genesis of the present FIR is embodied in a complaint made by the Secretary, Haryana Education Board. Succinctly stated, the allegations levelled in the present FIR are that, 14 students took admission in three different schools, out of which, 12 students took admission in Shivam Senior Secondary School, Lohani, which is run by the petitioner. The students were helped to get matriculation certificate from a Board, which was no where in existence or recognized by the Haryana Education Board or respective State Education Board. Furthermore, on the basis of forged certificates, the school not only promoted the students in higher classes but also filled up their forms to appear in the senior secondary examinations.

3. The learned counsel for the petitioner submits that the petitioner,



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being Director of the school concerned, only looks after general management of the school and he is not involved in preparation of the alleged forged and fabricated certificates. Moreover, the school concerned had, after examining the veracity of certificates of its students sent them to the Haryana Education Board for scrutiny/examination, which have subsequently been found to be forged. Therefore, no offence whatsoever has been committed by the petitioner.

4. Moreover, the learned counsel for the petitioner also claims parity with co-accused Ashok, who has already been granted the relief of anticipatory bail by this Court, through drawing an order on 29.04.2024, upon CRM-M-54496-2023.

5. Notice of motion for 17.07.2024.

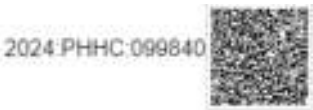
6. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana, and, submits that despite the petitioner's School being affiliated with Haryana Education Board, yet it got filled up forms of its students from Uttar Pradesh Open Board. He also seeks some time to file reply to the instant petition.

7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel has, on instructions imparted to him by ASI Suman Lata, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for any further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 27.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner shall not commit an offence similar to the present



- offence;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner shall make himself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

05.08.2024	(KULDEEP TIWARI)
amandeep	JUDGE
Whether speaking/reasoned.	: Yes/No
Whether Reportable.	: Yes/No