



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28978-2024

Date of Decision : 30.08.2024

MOHAMMAD ALTAMAS

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Virat Koundal, Advocate for
Mr. Mazlish Khan, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

Mr. Virat Rana, Advocate, with
Mr. Vikram Singh, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 14.06.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.463, dated 16.11.2023, under Sections 420, 467, 468, 471 and 120-B of the IPC, and under Section 172 of the Haryana Panchayati Raj Act, 1994, registered at Police Station Sadar Tauru, District Nuh.

Learned counsel for the petitioner, in his asking for the relief (supra), submits that the petitioner being the husband of the main accused- Nisva alias Nisha Khatoon, has been falsely roped in the instant FIR. The alleged forged document, i.e. the school leaving certificate pertains to the year 2012-2013, whereas, the marriage with the aforesaid accused-Nisva, was solemnized in the year 2019. Therefore, even remotely the petitioner cannot be connected with the alleged crime.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State of Punjab.

At this stage, Mr. Vikram Singh, Advocate, has caused appearance on behalf of the complainant, through a validly executed power of attorney in his favour. The same is taken on record.

He vociferously opposed the grant of pre-arrest bail to the present petitioner and submits that in fact the main accused-Nisva, has only filed nomination for post of Sarpanch, being the seat reserved for women, and in fact, it was the present petitioner, who was acting behind the curtains.

He further submits that there is one more FIR registered against the present petitioner on the similar set of allegations.

Be that as it may be, considering the nature of the allegations and considering the fact that the main accused-Nisva, has already been removed from the post of Sarpanch, and the entire case is based on documentary evidence, this Court deems it fit and appropriate, at this stage, to grant the relief of anticipatory bail the present petitioner.

Consequently, 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.

Adjourned to 06.08.2024.”

2. Upon the petitioner not joining investigation, he was again directed join the same vide order dated 06.08.2024.

3. Today, the learned State counsel has, on instructions imparted to him by ASI Daya Kishan, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 14.06.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

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

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

6. Needless to say that anything observed hereinabove shall not
be construed to be an opinion on the merits of the case.

August 30, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No