



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

CRM-M-40523-2024

Date of Decision : 30.08.2024

NISVA ALIAS NISHA KHATOON

.....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. Imtiyas Hussain, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 22.08.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.463 dated 16.11.2023, under Sections 420, 467, 468, 471, 120-B of the IPC, and, Section 172 of the Haryana Panchayati Raj Act, 1994, registered at P.S. Sadar Tauru, District Nuh.

2. Succinctly stated, the allegations against the petitioner are that, she contested and won the election to the post of Sarpanch, on the basis of forged documents regarding her age and educational qualification.

3. The learned counsel for the petitioner submits that the petitioner is a lady and she has already been removed from the post of Sarpanch. He further submits that custodial interrogation of the petitioner is not required, as the entire case is based upon documentary evidence. He also submits that the petitioner is ready and willing to join the investigation and to cooperate with the investigating officer.

4. At this stage, Mr. Imtiyaz Hussain, Advocate, who records his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, vehemently opposes the grant of anticipatory bail to the petitioner, on the ground

that, she is the beneficiary of the forgery done by her and her co-accused.

5. Be that as it may, since the entire case is based upon documentary evidence, therefore, this Court deems it appropriate to grant the asked for relief to the petitioner.

6. Notice of motion for 30.08.2024.

7. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

8. 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 her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.

9. To be heard with CRM-M-28978-2024.”

2. 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 22.08.2024, 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