



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.20918 of 2025 (O&M)
Date of decision: 10.11.2025

Pawan Kumar ... Petitioner

Vs.

State of Haryana and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Adarsh Jain, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Vinay Kumar Pandey, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
64	31.01.2025	Shahabad, District Kurukshetra	120-B, 420, 465, 466, 467, 468 and 471 of IPC

2. Brief facts relevant for the purpose of disposal of this petition

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are that the aforementioned FIR was registered on receipt of a complaint submitted by complainant Sanjeev Kumar and forwarded by Deputy Commissioner, Kurukshetra against the present petitioner elected as Sarpanch of Gram Panchayat Kharindwa, District Kurukshetra alleging that the petitioner while contesting the election for the post of Sarpanch had submitted his Matriculation examination certificate and mark-sheet which were infact false and fabricated documents as he had not cleared the Matriculation examination. It was also alleged that he had also submitted an affidavit taking false pleas and had got himself elected as a Sarpanch by defrauding and cheating the Government. It was also informed that an inquiry was conducted by the office of Deputy Commissioner and as the petitioner could not prove the genuineness of his Matriculation examination mark-sheet, he was ordered to be removed from the post of Sarpanch with immediate effect. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner filed an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Kurukshetra vide order dated 09.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute is of civil nature which has been given a criminal colour. A false complaint has been lodged due

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to rivalry. No proper inquiry was conducted before his removal from the post of Sarpanch and before registration of FIR. In response to an RTI application filed by him, the CBSE has reported that mark-sheet of petitioner is genuine. The complainant was offended with the petitioner who had got an FIR No.288 dated 28.05.2018 registered against the complainant. The subject offences are triable by Magistrate. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The case is based on documentary evidence. It is, therefore, urged that the petition deserves to be allowed.

4. Reply has been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature who on the basis of forged and fabricated documents got himself elected for the post of Sarpanch in Village Kharindwa. The documents as submitted by the petitioner had been verified and his mark-sheet has not been issued by CBSE, Panchkula. The petitioner has even produced fabricated documents before this Court to show that an intimation has been given on the basis of RTI information that certificate was genuine. Thorough and proper investigation is required to be conducted in the matter. The petitioner had even tried to hoodwink this Court as well on the basis of false documents. It is, therefore, urged that he does not deserve to be

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given discretionary relief of anticipatory bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have used a forged and fabricated mark-sheet for the purpose of his election as a Village Sarpanch to show that he was a Matriculate whereas according to the case of the complainant/prosecution, his mark-sheet is not genuine. During the pendency of this petition, the petitioner has produced different reports from the offices of CBSE, Panchkula and Mohali to show that the mark-sheet is genuine. However, as per the information given by Ms. Jatinder Kaur, Assistant Secretary, CBSE Panchkula and Mr. Kailash Chand, Assistant Secretary, Chandigarh who appeared before this Court on 09.10.2025, the impugned mark-sheet has not been issued by the office of CBSE, Panchkula from where it is purported to be issued and also that the roll number given on this mark-sheet was not named in the name of the petitioner. This fact prima facie shows that the complicity of the petitioner in the crime. Keeping in view the above discussed facts, this Court is of the considered opinion that a deeper and proper probe is required to be conducted into the matter and for that purpose, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes.

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The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As

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such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Miscellaneous application(s), if any, also stand disposed of.

10.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No