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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-15621-2026**

Shakti Arora

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 20, 2026**Date of Uploading: March 20, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Ram Kumar Saini, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.64 dated 31.01.2025 registered under Sections 471, 468, 467, 466, 465, 420, 120-B IPC, 1860 (340(2), 336(3), 338, 337, 336(2) 318(4) and 61 (2) of BNS, 2023), at P.S. Shahabad, District Kurukshetra

2. The gravamen of allegations, as borne out from the record, is that the co-accused Pawan Kumar contested election for the post of Sarpanch on the basis of a forged matriculation certificate and a false affidavit. Upon inquiry conducted by the competent authority, the said certificate was found to be forged and the co-accused was consequently removed from the post of Sarpanch. During the course of investigation, the name of the present petitioner surfaced on the basis of disclosure statement

of the co-accused and he is alleged to be involved in facilitating preparation of the forged matriculation certificate. It has further come on record that an amount of ₹90,000/- is to be recovered from the petitioner. Upon these set of allegations, the instant FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question, on the basis of disclosure statement of the co-accused as earlier he was not named in the FIR. Learned counsel pointed out that the petitioner's name has only been mentioned in the disclosure statement of the co-accused, which was recorded during police custody, and such disclosure alone cannot form the basis for custodial interrogation or implicate the petitioner.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has further submitted that the plea of anticipatory bail of the co-accused Pawan Kumar has already been rejected by this Court vide order dated 10.11.2025 passed

in CRM-M-20918-2025 and the said order has also been upheld by the Hon'ble Supreme Court. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It is pertinent to note here that the petitioner was not named in the FIR, at the initial stage, and his name surfaced, subsequently, during the course of investigation, on the basis of the disclosure statement of co-accused Pawan Kumar. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The allegations pertain to preparation and use of forged educational certificate for securing the post of Sarpanch. The investigation is still at a nascent stage and the role attributed to the petitioner's role appears to be significant. The recovery of money in question is yet to be effected and the source and manner of procurement of forged certificate is required to be unearthed. Furthermore, it is also not in dispute that the co-accused namely Pawan has already been declined the concession of anticipatory bail by this Court and the said order has attained finality upto the Hon'ble Supreme Court. Granting anticipatory bail to the present petitioner, at this stage, would not only be inconsistent with the earlier judicial determination but may also adversely affect the ongoing investigation.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that prima facie case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary

for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 20, 2026
Naveen

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No