



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

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CRM-M-30428-2026 (O&amp;M)

Date of decision: 29.05.2026

Madhu Purnima Kishwar

... Petitioner

versus

Union Territory, Chandigarh

... Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Kapil Sibal, Senior Advocate (through VC) and  
Mr. Sartaj Singh Narula, Senior Advocate, with  
Ms. Sumedha and Mr. Sidharth Grover,  
Ms. Tavleen and Mr. Vaibhav Jain, Advocates for the petitioner.

Mr. Amit Jhanji, Senior Public Prosecutor, with  
Mr. Manish Bansal, Public Prosecutor UT and  
Mr. Shubham Mangla, APP for UT,  
Mr. Shashank Shekhar Sharma, Mr. Dixit Bhardwaj and  
Ms. Sarasmi Budhiraja, Advocates for UT.

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**AMAN CHAUDHARY, J.**

1. Apprehending her arrest in FIR No.44 dated 19.04.2026, registered under sections 196, 318, 336(1), 336(3), 336(4), 340, 353 and 356 BNS (Sections 153B, 415, 463, 470, 471, 505, 499 IPC), Sections 66(C), 66(D) and 67 of Information Technology Act, 2000 at Police Station-26, Chandigarh, the petitioner has filed the present petition seeking pre-arrest bail.

2. Learned Senior counsel asserts that the only allegation against the petitioner is that she had retweeted a 14 second video clip on social media platform i.e. 'X', which was innocuous and without any ill-intent. The offence of forgery is not made out against her, as she is not the one who had prepared



the video. She is a seasoned academician, who has authored many books and has no criminal antecedents. The previous posts cannot be taken into consideration as no action has been taken against her qua those. She has no control over the comments others make on what she uploads/posts, thus cannot be held responsible for acts of others. The petitioner is being wrongly roped in the present matter, with which she has no direct concern and is as such entitled to concession of anticipatory bail.

3. Learned counsel appearing for UT-Chandigarh, on the other hand, contend that it has been wrongly stated that there was a mere retweet by the petitioner. The video in question was first uploaded by one Pardeep Kaur Dhillon on Facebook, Instagram and Youtube. The petitioner, uploaded it on her 'X' handle after downloading the same, wherein she has a huge following, with 18 lakh persons. The same got widely circulated and received 1,74,000 views, which would make her gain further popularity in such like issues. Thus she not only aided in spreading misinformation, but also defamed the image of the Head of the Government. There is every likelihood of her continuing the same in the future as well, especially in view of the fact that in the last 6 months also, there have been a number of such tweets by her, Annexure A-1, targeting him in some manner or the other. Her custodial interrogation is imperative to get to the root of the matter and verify the fact as to how the petitioner was aware that there are 8 other similar videos, especially when the original post was deleted and whether she had access to the said account. Furthermore, the regular bail of co-accused Hassan Mohiuddin Siddiqi, against whom the allegations are also of having re-tweeted the same video,



stands rejected by learned Addl. Chief Judicial Magistrate as also Additional Sessions Judge, Chandigarh, while others, who had done the same, are still at large. A copy of the FIR was supplied to the petitioner as per due process, which initially had to be kept confidential, as per the apprehension expressed in writing by the complainant in view of the sensitivity of the case and safety of his family.

4. Heard learned Senior counsel on either side.

5. At first, it would be apposite to refer to the relevant paras of the status report dated 26.05.2026, filed by way of an affidavit of Mr. Abhinandan P., DSP/HQ Additional Charge, DSP/EOW/PLWC/DCHG, which reads thus:

“2. ...Following are the twitter/social media handles:- List of which along with names of handles and are as below:-

i. Madhu Kishwar (@madhukishwar)- (twitter):- She had re-tweeted a video on dated April 18, 2026 which was later deleted. However, many related posts continue to be visible on this account.

ii. MIRZA BAIG @MirzaMogu1007, (twitter):- He had re- tweeted the same post on 18.04.2026.

iii. Sonu Singh @sonusingh150162, (twitter):- He had re-tweeted the same video with his own comments "@narendramodi video leaked".

iv. Hassan Siddiqui @HassanSiddiquei (twitter):- He had retweeted the same video with his own comments "#BreakingNews: LEAKED video of Narendra Modi massage, reports coming that Intel agencies of US has ton of videos of him in compromising Positions. Hey @grok this is real?"

v. Hasibur Rahman @hasibur.rahaman.941400:- (Facebook):- He had post the video on Facebook platform, the same has been removed.

vi. Sabir Ahammed @hasibur.rahaman.941400: (Facebook):- He had post the video on Facebook platform, the same has been removed.

3. That a preliminary verification revealed that the video clip was originally posted by one Pardeep Kaur Dhillon through her social media accounts Facebook, YouTube (@Pardeepkaurdhillon) and Instagram (pardeep.kaur.dhillon) accounts on 12.04.2026. She claims



to be an social media influencer from Amritsar, Punjab presently residing in Edgewater, New Jersey, USA. Her E-Mail ID is Pradeep.kaur3@gmail.com. The person in video is Jaspal Singh Sarai, who is apparently receiving massage from a female.

4. That the alleged/Unknown persons/social media account holders have tried to spread enmity between people, these alleged social account holders have published harmful, false imputations regarding a persons reputation by mischievously trying to mislead the general public by portraying the said video to be of a Constitutional Authority. They further have committed the offence of identity theft. The social media handles have created a false electronic record to cause harm and injury to a constitutional authority. This is also causing fear / alarm in public and is likely to disturb public peace and tranquillity.

5. The aforesaid action amounts to making up of a false electronic record using objectionable words and phrases by the accused having knowledge and sufficient reason to believe that posts are misleading and false, with an intent to cause damage or injury to the public and also with an intent to commit fraud. The forgery was committed with the intent that the electronic record will be used for the purpose of cheating and deceiving.”

6. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon’ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

“6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

“438. Direction for grant of bail to person apprehending arrest.-

(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the



Court of Session for a direction under this section that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-

- (i) The nature and gravity of the accusation;
- (ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

7. Hon’ble the Supreme Court in **P. Chidambaram vs. Directorate of Enforcement**,(2019) 9 SCC 24, had observed that, “Ordinarily, arrest is a



part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. 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 fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

8. In a case of posting obscene content regarding a Minister, the Allahabad High Court in **Dr. Shaharyar Ali vs. State of UP**, Criminal Misc Anticipatory Bail Application u/s 438 Cr.P.C. No. - 9747 of 2021, dismissed the petition on 25.05.2021, filed for grant of anticipatory bail of the accused, observing that it may in fact, promote or in all likelihood, promote ill-will or hatred between different communities, against which SLP CrI No. 4078-2021, filed was also withdrawn vide order dated 09.07.2021, granting him two weeks’ time to surrender. Likewise in **Asharaf Khan alias Nisrat vs State of UP**, Criminal Misc Bail Application No 20227-2025, dated 02.07.2025, wherein a video was uploaded on the Facebook showing the Prime Minister of India moving adjacent to a donkey running a cart having an aircraft and other



such images, the regular bail was dismissed observing that the Constitution gives right to freedom of speech and expressions, but the same is not unfettered.

9. Reverting to the facts at hand, a perusal of Para Nos.8, 11 and 14 of the status report reveal that, despite the first notice dated 20.04.2026, having been duly served upon the petitioner at her Delhi address, she failed to appear and the position remained the same after notices dated 26.04.2026 and 05.05.2026, which by itself shows her conduct of non-cooperating with the investigating agency, while some of the other co-accused, who had also re-tweeted the post with objectionable contents, had joined. The regular bail of co-accused Hassan Mohiuddin Siddiqi, stands dismissed.

10. Apparently, the video under scanner, was uploaded on other social media platforms, however, as a matter of fact, it was only after the petitioner uploaded the same with her comment/s, that it garnered 1,74,000 views and speculations were made of it resembling the holder of a Constitutional post, which was confirmed when she further retweeted in that regard, as is discernible from Annexure P-2.

11. There is, however, an obvious distinction between constructive criticism and tweeting/trolling to malign, cause aspersions and insinuations, and in case the same is by someone like the petitioner, who has a large social media following, the magnitude of the repercussions can be far from that can be fathomed. Such posts can create disharmony, encourage separatist sentiments and put the unity and integrity at peril. She, being a prominent social media personality and a scholar, as has been proclaimed on her behalf,



cannot be presumed to be oblivious to the impact of such a tweet, which created a stir, as it attracted not only 1,74,000 views but even comments by other co-accused and public at large. Further, had the present been a solitary incident, one may have still given it another thought, but as has been brought out, even on previous occasions, she had been tweeting with different hashtags material/posts of sentimental sensitivity, as is depicted in Annexure A-1 of the status report. On her behalf, despite best efforts, the absence of a *prima facie* offence could not be demonstrated so as to warrant the extraordinary relief of anticipatory bail, in that stead reference can also be made to **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP CrI. No. 18200-2025 decided on 06.01.2026.

12. Given that, misconception and misinformation can be made to spread at lightning speed with the availability of all kinds of social media applications, there comes greater social responsibility whilst creating content and forwarding the same. Where seeing becomes believing, regulatory provisions are in an emergent need.

13. The peculiarity of the facts and circumstances of the present case being such that the investigation is at a nascent stage and several aspects remain to be unearthed, including the origination of the post, the individuals involved in orchestrating it and the nature of the relationship and familiarity between the petitioner and the other persons concerned, which assumes significance particularly in wake of her comment addressed to one Mehak, stating, “Baaki aath bhi share kar dalo Mehak Behna”. The *modus operandi*



adopted in the matter is also yet to be unraveled, which forms part of the solemn duty entrusted to the investigating agency.

14. In view of the afore, it is way too soon to rule out the element of criminality involved, as such this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

15. *Ex consequenti*, this petition stands dismissed.

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

**29.05.2026**

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Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No

**(AMAN CHAUDHARY)  
JUDGE**