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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Rampal @ Rampal Mor

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 06.07.2026**Date of Uploading : 07.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Lalit Pardhan, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita seeking the concession of anticipatory bail in FIR No. 292 dated 04.09.2023 for offences punishable under Sections 406, 409, 420, 467, 468, 471, 120-B and 201 IPC and Sections 13(1), 13(A) read with Section 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station Civil Lines, Bhiwani.

2. As per the prosecution case, the FIR was registered on the complaint of Raj Kumar, District Revenue Officer, Bhiwani. The complainant has alleged that Pawan Kumar, who was working as Patwari under Haryana Kaushal Rozgar Nigam in the office of the Land Acquisition Officer, Public Works Department (B&R), Bhiwani, frequently visited his office along with the present petitioner, who was then serving as Naib Tehsildar. It has been further alleged by the complainant that Pawan Kumar had produced a compensation bill relating to land acquisition proceedings



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for his signatures but he refused to sign the same due to incomplete record. Subsequently, on 31.08.2023, several bills, including the same bill earlier declined by the complainant, were again presented before him. Upon inquiry, it was discovered that the signatures of the complainant had been forged on the Electronic Payment System documents and compensation amounts had been disbursed into the accounts of fictitious persons. The investigation revealed that government funds meant for genuine landowners had allegedly been siphoned off through forged documents and fabricated beneficiaries. On these set of allegations, the investigation was set into motion whereinafter several accused persons were arrested and various disclosures were made during investigation. The prosecution has alleged that a large-scale fraud involving preparation of forged land acquisition compensation bills was committed and an amount of approximately ₹2.50 crores was diverted into the accounts of 39 persons who were not entitled to receive any compensation. It has been further asserted that the petitioner, while serving as Naib Tehsildar in the concerned office up to 30.06.2023, played an active role in the conspiracy and facilitated the fraudulent disbursement of government funds.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and the same has been registered on the basis of a motivated and *mala fide* complaint. Learned counsel has further iterated that there are no specific or direct allegations against the petitioner attributing any overt act or criminal intent. According to learned counsel, the only allegation against the petitioner in the FIR is that co-accused Pawan Kumar used to visit the office of the complainant along with the petitioner. Learned counsel has emphasized that

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there is no allegation that the petitioner has forged any document, prepared any fake bill, received any amount or participated in the alleged embezzlement of government funds. It has been further contended that the petitioner has already been retired before registration of the present FIR and has no role whatsoever in the subsequent investigation. Furthermore, the allegations against the petitioner have surfaced only during the course of further investigation on the basis of disclosure statements of co-accused, which, by itself, have no evidentiary value in the eyes of law and cannot be made the sole basis for accusation of the petitioner. Moreover, the entire prosecution case is based upon documentary evidence and all the relevant official records are already in the possession of the investigating agency. Learned counsel has asserted that the petitioner is willing to join the investigation; shall not tamper with evidence or influence any witness and shall abide by all the condition(s) imposed in case he is enlarged on pre-arrest bail. It has been further contended that the allegations regarding the receipt of commission/share from the alleged embezzled amount are unsupported by any independent evidence. No bank transaction, financial record, recovery or other material has been produced to substantiate the allegation that the petitioner has received any amount from the co-accused. It has been further submitted that the main/principal accused i.e. Pawan Kumar, Suresh Kumar, Pinki, Tinku Yadav & Dinesh Kumar, have already been granted the concession of regular bail by this Court. On strength of these submissions, the grant of concession 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 allegations against the



petitioner are serious as he has played an active role in a well-planned conspiracy involving large-scale embezzlement of public funds meant for land acquisition compensation. According to learned counsel, the investigation conducted so far has revealed that the petitioner, while being posted as Naib Tehsildar in the office of the Land Acquisition Collector, Public Works Department (B&R), Bhiwani, acted in connivance with co-accused Pawan Kumar (Patwari), Suresh Kumar (Office Assistant), Manoj Kumar (Kanungo), Sunil Kumar (Computer Operator) and several private beneficiaries. Learned State counsel has emphasized that they allegedly prepared and processed forged compensation bills and facilitated fraudulent disbursement of government funds amounting to approximately ₹2.50 crores in favour of persons who were not entitled to receive any compensation. It has been further contended that the role of the petitioner is clearly borne out from the material collected during investigation. Furthermore, a sum of approximately ₹1.40 crores from the embezzled amount has been paid to the petitioner in cash. Learned State counsel has submitted that the investigation is still underway and forged documents, records relating to the fraudulent transactions and other incriminating material are yet to be recovered for which custodial interrogation of the petitioner is necessary. Considering the nature of allegations, if armed with a protective order, the petitioner may influence the witnesses & may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

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



6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Devinder Kumar Bansal vs. The State of Punjab, 2025 INSC 320***, relevant whereof reads as under:

“21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is *prima facie* of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner accused for grant of anticipatory bail and there is no frivolity in the prosecution.

22. In the aforesaid context, we may refer to a pronouncement in ***Central Bureau of Investigation v. V. Vijay Sai Reddy reported in (2013) 7 Scale 15***, wherein this Court expressed thus:

“28. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce *prima facie* evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

23. The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.



24. *If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption.*

25. *Avarice is a common frailty of mankind and Robert Walpole's famous pronouncement that all men have their price, notwithstanding the unsavoury cynicism that it suggests, is not very far from truth. As far back as more than two centuries ago, it was Burke who cautioned: "Among a people generally corrupt, liberty cannot last long". In more recent years, Romain Rolland lamented that France fell because there was corruption without indignation. Corruption has, in it, very dangerous potentialities. Corruption, a word of wide connotation has, in respect of almost all the spheres of our day to day life, all the world over, the limited meaning of allowing decisions and actions to be influenced not by the rights or wrongs of a case but by the prospects of monetary gains or other selfish considerations.*

26. *If even a fraction of what was the vox pupuli about the magnitude of corruption to be true, then it would not be far removed from the truth, that it is the rampant corruption indulged in with impunity by highly placed persons that has led to economic unrest in this country. If one is asked to name one sole factor that effectively arrested the progress of our society to prosperity, undeniably it is corruption. If the society in a developing country faces a menace greater than even the one from the hired assassins to its law and order, then that is from the corrupt elements at the higher echelons of the Government and of the political parties."*

7. As per the stand of the State, indubitably, serious allegations have been levelled against the petitioner. The allegations against the petitioner pertain to offences under the Prevention of Corruption Act, 1988 which by their very nature are serious and grave. Corruption by public servant is not merely an offence against an individual but constitutes an offence against the society at large, eroding public confidence in the administration. Thus, the Courts are, therefore, required to exercise a



greater degree of caution while considering the grant of anticipatory bail in such cases. From the perusal of the record, it emerges that the allegations in the present FIR pertain to a systematic and organized embezzlement of public funds earmarked for land acquisition compensation. The amount allegedly misappropriated exceeds ₹2.50 crores.. At the stage of consideration of plea for grant of anticipatory bail, the Court is not required to conduct a meticulous examination of the evidence but is required to assess whether the material collected during the course of investigation *prima facie* discloses the involvement of the accused and whether custodial interrogation is necessary in the factual *milieu* of the case. The contention raised on behalf of the petitioner that no specific role is attributed to the petitioner in the FIR cannot, by itself, be a ground for grant of anticipatory bail at this stage. In the considered opinion of this Court, the material collected during the course of investigation, including documentary evidence, electronic evidence and other circumstance(s), are to be considered while examining a prayer for pre-arrest bail. In the present case, the prosecution has placed reliance upon the report of the District Revenue Officer and the disclosure statement of co-accused Pawan Kumar specifically naming the petitioner as an active participant in the fraudulent scheme. The stand of the investigating agency before this Court is that the forged documents and other incriminating material are yet to be recovered and the financial trail regarding the alleged distribution of embezzled funds is still under investigation. The nature of allegations reflects that the offence has been committed through abuse of official position and manipulation of official records. The principle of parity as invoked by the petitioner is also misplaced. The co-accused have been granted the concession of regular bail



whereas the petitioner seeks the concession of anticipatory bail which stands on a different footing. Each case must be evaluated on its own facts and the nature and role of each accused is to be independently assessed. Accordingly, the petitioner cannot claim parity with the co-accused as the principle of parity is not an absolute right and depends upon the conduct and circumstances of each accused.

8. Furthermore, the plea that the petitioner was a retired government employee and had served for several years without any previous complaint cannot, by itself, outweigh the seriousness of the allegations. The allegations show misuse of an official position held by the petitioner at the relevant time and such factors are matters to be considered during the course of trial. The argument that the entire case rests on documentary evidence and, therefore, the custodial interrogation of the petitioner is unnecessary is also without merit. In the considered opinion of this Court in cases involving forgery, manipulation of official records and conspiracy among multiple accused, the custodial interrogation often becomes necessary to ascertain the knowledge and intent of the accused as also to trace the money trail. The magnitude of the alleged loss to the public exchequer, the systematic nature of the offence, the position held by the petitioner as public servants weigh heavily against the grant of pre-arrest bail to the petitioner. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is necessary to trace the money trail, identify the role of other accused and to unearth the larger conspiracy. Furthermore, the plea of false implication raised by the petitioner is a disputed question of fact and involves appreciation of evidence, which cannot be adjudicated upon at this stage. The same can



only be adjudicated upon the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, granting anticipatory bail at this stage is likely to hamper the on-going investigation. No cause *may* 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. Furthermore, the Court below has already declined the plea of the petitioner after considering the relevant factors, including the manner in which the name of the petitioner surfaced during investigation. 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 wider impact of such alleged iniquities on the society. 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 the preliminary investigation, appears to establish 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, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble 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 task of disinterring offences would not conduct themselves as offenders.”

9. In the present case, the investigation is still at a crucial stage and the grant of anticipatory bail at this juncture will impede the fair and effective investigation. Considering the nature and seriousness of the allegations, the specific role assigned, the stage of investigation as also the necessity of custodial interrogation for verification of facts, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 06, 2026
Ajay

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