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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Vijay pal Singh

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 27.07.2026

Date of Uploading : 27.07.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Sandeep Kumar Yadav, Advocate and

Ms. Sangeeta Yadav, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') (erstwhile Section 438 of the Cr. P.C.) for grant of anticipatory bail to the petitioner, in case bearing FIR No.02 dated 14.01.2026, registered for the offences punishable under Sections 7, 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Section 308(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station ACB Gurugram, District State Vigilance and Anti Corruption Bureau, Haryana.

2. The gravamen of the FIR in question is that the complainant, namely Ashok had stated that he is posted as a Home Guard at Police Station Sadar, Mahendergarh. It has been alleged that one Rakesh, who is also employed in the Home Guard Department, used to demand bribe of



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₹6,000/- from each Home Guard employee on a quarterly basis for assigning postings and in case of non-payment, the concerned employee would be removed from the duty. It has been further alleged that the said amount was collected by Satish, also a Home Guard employee, on behalf of Rakesh. The complainant requested Rakesh to reduce the demanded amount; however, Rakesh informed him that the demanded money was being further handed over to Vijaypal (*petitioner herein*), who is posted as District Officer at the Head Office, Chandigarh. On 29.11.2025, Satish, home guard, contacted the complainant to transfer the money for making arrangements for Rakesh, pursuant to which, the complainant transferred an amount of ₹1,000/- through the PhonePe application. It has been further alleged that in December 2025, Satish had already received ₹4,000/- as bribe from the complainant. Furthermore, on 10.01.2025, Rakesh and Satish called the complainant to a hotel situated on Ateli Road and demanded a sum of ₹2,000/- allegedly due towards him. The complainant recorded the conversation regarding the said demand and subsequently filed the complaint which resulted in the registration of the FIR in question.

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 as there is no allegation of demanding any bribe, meeting the complainant personally, receiving any amount from him or being apprehended in the course of trap proceedings has been attributed to the petitioner. It has been further contended that the petitioner has not been



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named in the FIR and he has been implicated solely on the basis of disclosure statement(s) of the co-accused. It has been further contended that even the said disclosure statement(s) of the co-accused are not supported by any independent incriminating material. Learned counsel has emphasized that the co-accused of the petitioner, namely, Rakesh Kumar and Satish Kumar, have been accorded the concession of regular bail, vide orders dated 19.03.2026 and 02.04.2026, respectively, passed by learned Additional Sessions Judge, Narnaul. Learned counsel has submitted that there is nothing on record to show complicity of the petitioner with the offence in question. It has been further argued that as per official work distribution order dated 06.08.2025 (Annexure P-8), no duty whatsoever pertaining to assignment/ posting of Home Guards in districts, preparation or issuance of duty lists of Home Guards, continuance of duty without break, or recruitment in the Home Guard Department was entrusted to the petitioner. It has been contended that the work relating to duty assignment/online roster of Home Guard volunteers stood allotted to seat E-VIII, which was assigned to Rakesh Kumar Sharma and not to the present petitioner. It has been contended that even the essential ingredients to invoke Sections 7 and 13(1)(B) read with Section 13(2) of the Prevention of Corruption Act, and Section 308(2) of the BNS, 2023, are missing in the present case.

3.1. Learned counsel has further contended that vide orders dated 30.04.2026 and 15.07.2026 respectively the petitioner has already joined the investigation and has fully cooperated therein.

3.2. Learned counsel has asserted that nothing is to be recovered from the petitioner. Learned counsel has further urged that the petitioner is a



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man aged 54 years having deep roots in the society, and, hence, has no flight risk. It has been further asserted that the petitioner is willing to join the investigation as and when required, shall not tamper with evidence or influence any witness and shall abide by all the condition(s) imposed by the Court in case he is enlarged on pre-arrest bail. On the strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel, while raising submissions in tandem with the reply by way of an affidavit dated 28.04.2026, which is already on record, has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature.

The relevant part of the said affidavit i.e. Paras Nos.11 & 12 reads as under:

“11. That in the present case, co-accused Rakesh Kumar collects money at the rate of 22,000/- per month from Home Guards posted in Mahendragarh for ensuring that their duty remains in Mahendragarh and that they are not given a break within three months, and he forwards this money to the head office at Chandigarh to the petitioner, Vijay Pal, Commandant, Home Guards, and Sanjeev, Caretaker, from where the duty list of Home Guards is prepared in such a manner that they continue to be posted in Mahendragarh; any Home Guard who does not pay the said amount is either given a break or his duty is shifted to another distant district; similarly, the complainant Ashok Kumar, whose duty is also at Sadar Mahendragarh, had agreed to pay Rs.6,000/- for three months for continuation of duty at the same place, out of which Satish had collected Rs.4,000/- in December and handed it over to Rakesh, and the said Rs.4,000/- was further sent by him to Sanjeev, Caretaker, while the remaining Rs.2,000/- was to be taken from co-accused Satish; the recording regarding the demand of bribe by the accused has been produced by the complainant, and voice samples of the accused have been obtained and sent to FSL, Madhuban, Karnal, the result of which is awaited; upon collection of evidence in the case, the first challan has already been presented before the Hon'ble Court on 11.03.2026; co-accused Rakesh Kumar has been granted regular bail by the Hon'ble Court at Narnaul on 19.03.2026, and co-accused Satish Kumar has also been granted regular bail by the Hon'ble Court at Narnaul on 02.04.2026; the next date of hearing in the case is fixed for 05.06.2026, and the investigation of the case is continuing.

12. That the petitioner, Vijay Pal, is deeply involved in the said offence, and the co-accused used to extort money from the Home Guard employees at his behest; that custodial interrogation of the



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petitioner, Vijay Pal, is required so as to unearth the entire racket.”

4.1. Raising submissions in tandem with the aforesaid reply, learned State counsel has contended that given the seriousness of the offence, there exists a substantial likelihood that the petitioner may abscond from the process of justice and/or tamper with the prosecution witnesses/ evidence, in case he is enlarged on bail. Learned State counsel has iterated that pursuant to the orders dated 30.04.2026 & 15.07.2026, the petitioner has joined the investigation but his custodial interrogation is imperative for the purpose of effective and fair investigation, ascertaining complete conspiracy, identifying other persons involved, recovering further incriminating evidence and to unearth the case of the prosecution. Accordingly, a prayer has been made for the dismissal of the petition in hand.

4.2. Learned counsel appearing for the complainant has vehemently opposed the grant of petition in hand by arguing that there are serious allegations against the petitioner. It has been contended that there are specific allegations that the co-accused of the petitioner used to demand/collect money from the Home Guards posted in Mahendergarh and forward it to the petitioner. Furthermore, , in case, the petitioner is granted the concession of anticipatory bail, there is every likelihood that he may abscond from the process of justice as also interfere with the prosecution witnesses/ evidence. On the strength of these submissions, dismissal of the petition in hand is prayed for.

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



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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



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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 material collected during the course of investigation, indubitably, the allegations against the petitioner are grave in nature. As per the prosecution, the petitioner, while serving as Commandant, Home Guards, was the main beneficiary of a well organised system through which illegal gratification was allegedly collected from the Home Guard personnel for allowing them to continue their duties at Mahendragarh without interruption. The allegations are that the co-accused of the petitioner collected money from the Home Guard(s) and forwarded the same to the petitioner through another accused, who was posted as caretaker at the Head Office, Chandigarh. It is further the case of the prosecution that those Home Guards who refused to pay the demanded amount were either given a break in service or transferred to distant districts. The plea raised by the petitioner that the co-accused have been granted the concession of regular bail does not advance the case of the petitioner. The co-accused have been granted the concession of regular bail whereas the petitioner seeks the concession of anticipatory bail which stands at a different footing. The role attributed to the petitioner is distinct and more serious as he is alleged to be the person at whose instance the illegal collection of money was being made and the petitioner was controlling the posting and continuation of duties of Home Guard personnel. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is required to trace the flow of the alleged bribe



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money, to confront him with the oral, documentary and scientific evidence collected during the course of investigation and to unearth the entire racket involving illegal collection of money from Home Guard personnel. The investigation appears to be at a crucial stage, particularly when the forensic report regarding the voice samples is still awaited.

8. Indubitably, the petitioner was earlier afforded the concession of ad-interim bail on 30.04.2026 and the petitioner is stated to have joined the investigation but this fact, by itself, is not sufficient to grant anticipatory bail to the petitioner by confirming the order dated 30.04.23026 since the allegations in the FIR are grave and serious in nature. Even, if it is said that no recovery is to be effected from the petitioner still this, by itself, does not vest any indefeasible right in favour of the petitioner. A profitable reference in this regard can be made to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along



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with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

9. During the course of hearing, learned State counsel has referred to the case diary to show that on 16.05.2026, the prosecution got recorded the statements of 04 persons more namely Bhuvan Chand, Ashok, Jitender Kumar and Pawan, under Section 183 of BNS, 2026 (erstwhile Section 164 Cr.P.C.). This Court has perused the said statements with the assistance of the learned State counsel, which point out towards specific allegations against the petitioner. Furthermore, 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 FIR in question. Moreover, the investigation is underway and the same is at nascent stage. 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 interest(s). 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 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-



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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.”

10. Considering the nature and seriousness of the allegations, the specific role assigned, the stage of investigation as also the necessity of custodial interrogation for the 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.

11. 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 27, 2026

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No