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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Aas Mohd.

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 21.07.2026

Date of Uploading : 21.07.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jai Singh Yadav, Advocate for the petitioner.

Mrs. Priyanka Sadar, DAG Hry.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.18 dated 01.06.2025 registered for offences punishable under Section 15(1) of Environment (Protection) Act) 1986, Section 21 of the Mines and Minerals (Development and Regulations) Act, 1957, Section 19 of Punjab Land Preservation Act (PLPA) 1900, Sections 201, 270, 303, 316(2), 318(2), 329(3), 61 of BNS and Sections 7, 7-A and 13 of the Prevention of Corruption Act, 1988 at Police Station Anti Corruption Bureau, District Gurugram.

2. The prosecution case has arisen out of directions issued by the Hon'ble Supreme Court in proceedings titled *T.N. Godavarman Thirumulpad versus Union of India and others*. Pursuant thereto, the Central Empowered Committee conducted an inquiry and submitted its report dated



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constructed in Village Basai Meo, District Nuh, connecting Ferozepur Jhirka with the adjoining hilly regions of Rajasthan without obtaining the requisite approvals from the competent authorities. The report has further observed that the road had allegedly been constructed in connivance with the village Sarpanch, certain government officials and members of the mining mafia. It has been further observed that the road passing through forest land and agricultural land has caused damage to forest plantations and was being used for facilitating illegal mining activities and transportation of illegally mined minerals. Acting upon the recommendations of the Central Empowered Committee, the Anti-Corruption Bureau registered the present FIR and commenced the investigation.

During the course of investigation, a notice under Section 179 of BNSS was issued on 02.04.2026 to the petitioner requiring him to join the investigation. The prosecution has alleged that the petitioner has failed to cooperate with the investigating agency. Furthermore, during investigation, photographs and videos were collected and examined. According to the investigating agency, the petitioner was identified in photographs and videos which allegedly showed his presence at the site of the illegal road and his participation in activities connected with its construction. The investigating agency has asserted that the custodial interrogation of the petitioner is necessary to ascertain the full extent of his involvement and to uncover the larger conspiracy relating to illegal mining and construction of the road.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as he has no



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connection with the alleged construction of the road or any illegal mining activity. Learned counsel has further iterated that the petitioner is neither a Gram Panchayat member nor a government official and hence has no authority/role in the execution of the alleged project. According to learned counsel, the petitioner owns agricultural land adjoining the disputed road and has been present at the spot only to safeguard his crops and land from the encroachment. It has been further contended that mere presence of the petitioner near the site cannot be construed as participation in any illegal activity. Learned counsel has emphasized that the prosecution has falsely implicated the petitioner on account of local village politics and personal vendetta. Learned counsel has drawn the attention of the Court to the order dated 14.10.2025 passed by coordinate Bench of this Court whereby the main/principal accused, including the Sarpanch and certain government officials against whom direct allegations have been levelled in the FIR, have already been granted the concession of regular bail. The petitioner is stated to be a respectable resident of Village Basai Meo, District Nuh having deep roots in society and no previous criminal antecedents. It has been further contended that no recovery is to be effected from the petitioner and, therefore, custodial interrogation of the petitioner is not required in the factual *milieu* of the case in hand. Moreover, the petitioner is willing to join the investigation as and when required; shall not tamper with evidence or influence any witness & shall abide by all the conditions imposed in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of concession of anticipatory bail is entreated for.



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4. Referring to reply by way of an affidavit dated 22.05.2026 of Arjun Rathee, HPS, Dy. Superintendent of Police, SV & Anti Corruption Bureau, Gurugram, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations against the petitioner are serious and form part of a larger conspiracy relating to illegal construction of a road over forest land and facilitation of illegal mining activities. The relevant part of the said reply reads thus”

“33. That it is further submitted that during the course of investigation, on 04.08.2025, Investigating officer secured and preserved electronic evidence comprising 13 videos and 30 photographs produced by prosecution witness Imran son of Jumma Khan, from his VIVO mobile phone with the assistance of the computer operator, and the same were duly stored through technical means. The said electronic evidence was shown to and duly identified by the prosecution witness Imran son of Jumma Khan. During Aas Mohammad alias 31 identification, petitioner Ashu in two photographs is clearly seen present on the forest department land at the site of the illegal road being constructed from village Basai Meo towards Nangal, Rajasthan.

34. That it is pertinent to mention here that, in four separate videos, the Petitioner Aas Mohd. is clearly visible actively participating in and supporting the illegal construction activity and is seen engaging also in arguments and confrontation with villagers who were opposing the construction of the said illegal road.

35. That the aforesaid electronic evidence prima facie establishes the active involvement and participation of Petitioner Aas Mohammad in the illegal encroachment and unauthorized construction of the road over forest department land.

36. That the custodial interrogation of the Petitioner is necessary for effective investigation, including identification of other persons involved, collection of further evidence, and unearthing the larger conspiracy relating to the illegal construction. Accordingly, notice under Section 179 BNSS was duly issued to the petitioner directing him to join investigation. Similar notices were also issued to three other persons connected with the occurrence. However, despite service of notice, the Petitioner deliberately failed to join the investigation. In this regard



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observation memo was prepared. (Observation memo are annexed as annexure R-3). ”

Raising submissions in tandem with the aforesaid reply, learned State counsel has contended that the material collected by the investigating agency *prima facie* indicates the active involvement of the petitioner relating to the construction of the road. Furthermore, the investigation is still in progress and the role played by various individuals involved in the illegal construction and mining activities is yet to be fully unearthed. 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,*



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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 placed on record, indubitably, serious allegations have been levelled against the petitioner. The role attributed to the petitioner is that he was an active participant in the illegal construction of the road passing through forest and agricultural land in Village Basai Meo, District Nuh. As per the prosecution, during the course of investigation, photographs and video recordings have been collected in which the petitioner has been identified at the site of the alleged illegal road. The petitioner is stated to be present during the construction activities and was allegedly seen confronting villagers who were opposing the construction of the road. The prosecution has further alleged that the petitioner alongwith other accused persons, including members of the mining mafia and other beneficiaries of the project, has actively participated and supported the illegal construction activity and mining operations as also transportation of illegally mined minerals. Furthermore, despite being served with a notice under Section 179 BNSS to join the investigation, the petitioner allegedly failed to cooperate with the investigating agency. Furthermore, the prosecution has brought on record the photographs and videos in which the petitioner has allegedly been identified at the site of the illegal road. Moreover, the petitioner was actively associated with the construction activities and was present when objections were raised by local



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residents. At this stage, this Court is not required to conduct a detailed appreciation of evidence. The material collected during the course of investigation cannot be ignored as the allegations against the petitioner are supported by electronic evidence which requires thorough investigation. The investigating agency is still examining the extent of participation of various accused persons and the larger conspiracy behind the illegal construction and mining activities. The plea of parity invoked by the petitioner is also misplaced as 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 has to be evaluated on its own facts 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. The investigation in the present case is at a crucial stage. At this stage, the material collected during investigation cannot be brushed aside as vague or baseless.

8. 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 at the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, granting anticipatory bail at this stage may likely hamper the on-going investigation. No cause *any* 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



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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 a *prima facie* case is not made out against the petitioner. The material which has come on record and the preliminary investigation, appear 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.”



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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 21, 2026
Ajay

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