

2026:PHHC:097827



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-31346-2026

Date of decision: 17.07.2026

Date of uploading: 17.07.2026

Hemant Kumar

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gaurav Arya, Mr. Mohit Gahlawat and
Mr. Manish Gilhotra, Advocates, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 34 dated 09.09.2025 registered for the offences punishable under Sections 120-B, 420, 467 & 468 of the IPC along with Sections 13(1)(d)(ii) & 13(1)(d)(iii) of the Prevention of Corruption Act, 1988, at Police Station ACB, Gurugram, District Gurugram.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“FIR CONTENTS: Sir, it is submitted that in compliance with formal a Investigation Order No. 01 dated 22.11.2023 Rewari, issued via memorandum no. 63/71/2023-1Vigilance 1 dated 17.11.2023 by the Chief Secretary to the Government of Haryana, Vigilance Department, and further endorsed by the Director General, Anti-Corruption Bureau, Haryana, Panchkula vide page

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no. 19220/1-2/ACB(H) dated 23.11.2023, inquiry was institutionalized. The case file was assigned to Inspector Ved Prakash for scrutiny and analysis. A comprehensive report was dispatched to the Headquarters of the Anti-Corruption Bureau, Panchkula. Subsequently, the Additional Director General returned the file via page no. 10597/1-2/ACB(H) dated 06.06.2025 to satisfy specific queries and procedural objections.

The baseline allegations pointed towards serious misconduct by Dheeraj Kumar, the then Associate NCC Officer (ANO) at Ahir College, Rewari, along with other co-conspirators. The core finding reveals that multiple individuals who were never legitimate on-roll students of Ahir College were fraudulently certified as regular students to acquire highly valued NCC certificates.

The tracking of individual files revealed the following concrete discrepancies:

Cadet Sunil Kumar (HAR/SD/2010/24092): He was functioning as a contractual Assistant Professor in the BCA Department from 01.09.2010 to 10.04.2012, yet falsely signed his enrollment form as a regular student while simultaneously pursuing an outside M.Tech distance degree.

Cadet Uttam Singh (HAR/SD/2010/24094): He is the biological brother-in-law (wife's brother) of the ANO Dheeraj Sangwan. At the time of enrollment, he was a regular B.P Ed student inside Nagpur, Maharashtra.

Cadet Ashish Sagwan (HAR/SD/2010/24095): He is the biological brother of ANO Dheeraj Sangwan. He was over the legal age limit of 24 years during enrollment and was registered as a regular PhD student across states in Andhra Pradesh and Jaipur.

Cadet Jasbir Singh (HAR/SD/2010/24096): A personal acquaintance of the ANO who was also significantly overage and pursuing an M.A. in Physical Education in Noida.

Cadet Hemant (HAR/SD/2010/24109): He was illegally enrolled by fabricating a student identity at Ahir College when he had not even completed his 10+2 qualification and was pursuing a separate diploma at Government Polytechnic College, Hisar.

Communications received from the Commanding Officer, 8th Haryana Battalion NCC, Rewari (Letter Nos. 307/Trg/NCC dated 01-04-2024 and 14.01.2025) explicitly clarified that the training

seats allocated to Ahir College during 2010-12, were meant strictly for authentic, on-roll students. No open-category or external seats were allocated to this unit during the period. The authorized strength allocation was strictly bounded at 160 Cadets (01 Company). Per the statutory NCC Act Rules of 1948, a candidate must be on the rolls of the specific educational institution hosting the unit. While standard administrative mandates (Letter no. 9005/DG/NCC/PLG dated 14 Jun 1993) permit up to 20% external open-category seats under strict conditional approvals, no such open-category authorization was ever requested or executed for Ahir College during the relevant operational years.

The inquiry established that Serial No. 10 of the standard NCC Enrollment Forms requires a mandatory self-declaration affirming status as a regular student. The accused individuals intentionally submitted false declarations. In absolute abuse of his public office, ANO Dheeraj Sangwan processed and recommended these invalid forms to benefit his direct kin and close associates. He acted in clear conspiracy with the then Senior Professor/Principal Omprakash Singh, who authenticated the declarations with formal official signatures. The underlying unit records were later discovered to have been routinely weeded out under a Board of Officers (BOO) order dated 30 April 2022, creating an artificial hurdle in record retrieval; however, successfully isolated cross-verification institutional manipulation.

Prima facie evidence demonstrates that the accused public servants and private individuals entered into a structured criminal conspiracy to forge public documents, execute institutional cheating, and abuse official powers for personal enrichment and extending undue favours, thereby violating Sections 420, 120-B, 467, and 468 of the IPC along with specialized corruption provisions under the PC Act.

The Superintendent of Police, State Vigilance and Anti-Corruption Bureau, Gurugram Division, has officially assigned the file to me for criminal registration and immediate law enforcement handling. Assistant Sub-Inspector Basant (No. 138/Jhajjar) is taking the dispatch to formally institutionalize the FIR. The entire matter stands transferred to DSP Arjun Dev, HPS, for high level statutory investigation”

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3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 29.03.2026. Learned counsel appearing for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that allegations pertained to the year 2010-2012 whereas the FIR in question got registered in the year 2025. Learned counsel appearing for the petitioner has further submitted that there is no specific role attributed to the petitioner. He has further urged that the prosecution version essentially rests on documentary evidence and the petitioner is not in a position to tamper with the same. He has further urged that in any case, upon culmination of investigation challan already stands presented and culmination of trial will take long. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 16.07.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 29.03.2026 whereinafter investigation was carried out and challan stands presented on 05.05.2026. Total 15 witnesses have been cited, out of which none has been examined till date and thus, it is indubitable that conclusion of trial will take long. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem

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it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 16.07.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 11 days & is not shown to be involved in any other FIR.

Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. **CRM-M-22444-2026** was dismissed as withdrawn on 14.05.2026 (Annexure P-4) vide the following order:

“The learned counsel for the petitioner submits that he wishes to withdraw this petition at this stage as the challan has been submitted.

Ordered accordingly.”

However, keeping in view the entirety of facts and circumstances of the case in hand; especially keeping in view the extended custody, pace of trial as also the factum that charges having been framed by the concerned Court post withdrawal of the first petition; this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in **CRA-S-2332-2023** titled as **Rafiq Khan versus State of Haryana and another**; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge: 3

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.

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- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.

(SUMEET GOEL)
JUDGE

17.07.2026
Naveen

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