



CRM-M-40668-2026

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-40668-2026

Jindal and another

....Petitioners

V/s

State of Haryana

....Respondent

Date of decision: 26.08.2026**Date of Uploading : 26.08.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Rahul Verma, Advocate for the petitioners.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

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') for grant of pre-arrest/anticipatory bail to the petitioners in case bearing FIR No.13 dated 11.01.2023, registered for the offences punishable under Sections 420, 467, 468, 471 and 120-B IPC and under Sections 7, 13(1)(A) & 13(2) of PC Act, at Police Station Hansi City, Hansi, District Hansi.

2. The gravamen of the prosecution case is that certain persons had joined duties as Assistant Linemen (ALM) (out-source) in DHBVN on the strength of fake/forged transfer orders purportedly issued by the competent authorities. The original complaint was made by the Sub Divisional Officer, DHBVN, Sub Urban Hansi, after it was noticed that transfer orders submitted by Amit Kumar and Sumit Kumar, on the basis of which they joined as ALM, had not been issued by the office of the Chief Engineer, DHBVN, Hisar. During the inquiry, it surfaced that the forged

**CRM-M-40668-2026****2**

orders were sent to the concerned office through the official e-mail and that the beneficiaries had allegedly joined the department in connivance with Munish Kumar, who was working as a Data Entry Operator. The investigation further revealed that several other persons had also allegedly obtained appointments through similar forged transfer orders.

The material collected during investigation indicates that the matter is not confined to one or two forged documents. As per the prosecution, several persons allegedly got appointed on different posts using fabricated transfer orders resulting in wrongful entry into the department and withdrawal of amounts from the Government treasury. The investigation further disclosed that as many as 14 persons had allegedly been joined on different posts on the basis of such forged transfer orders. The prosecution has, therefore, expected the matter to be a larger conspiracy involving private beneficiaries as well as persons having access to the official records and functioning of DHBVN.

3. Learned counsel for the petitioners has iterated that the petitioners are innocent and have been falsely implicated into the FIR in question. Learned counsel has further iterated that petitioner(s) were not named in the original FIR and their names surfaced only during the course of investigation. It has been further contended that the prosecution case against the petitioners is substantially based upon the disclosure statement of co-accused Munish Kumar which, by itself, is inadmissible in evidence and cannot be treated as substantive evidence. Learned counsel has emphasized that the allegations in the FIR are vague, omnibus and do not attribute any specific overt act to the petitioners so as to attract the

**CRM-M-40668-2026****3**

investigation *qua* the main accused has substantially progressed, challan has already been presented against several accused and no recovery is required to be effect from the petitioners. Furthermore, the petitioners are permanent residents; have clean antecedents; are ready to join the investigation & undertake not to influence any witness(s) or tamper with the evidence. Learned counsel has asserted that the petitioners are ready to join the investigation and hence no useful purpose would be served by sending them behind the bars. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. In *oppugnation*, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the allegations against the petitioners are grave in nature and their involvement has surfaced from the material collected during the course of investigation. Learned State counsel has iterated that the investigation conducted so far has clearly revealed the active involvement of the petitioners in the commission of the offence. Learned State counsel has pointed out that co-accused — Munish Kumar had disclosed that by editing forged transfer orders he had facilitated the appointment of his relative Jindal and his brother Mandeep (petitioners herein) in DHBVN. It has been further contended that the investigation has revealed a larger conspiracy involving several beneficiaries and custodial interrogation of the petitioners is necessary to identify the complete network, ascertain the role of other persons involved, recover incriminating material and trace the alleged monetary transactions. It has further been contended that the grant of anticipatory bail, at this stage, would seriously hamper the ongoing investigation. Accordingly, a prayer has been made for



CRM-M-40668-2026

4

the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

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 case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioners. From the perusal of the FIR and the material available on record, co-accused –

Munish Kumar was working in DHBVN and had access to the official

**CRM-M-40668-2026****6**

system. During the course of investigation, he allegedly disclosed that by editing transfer orders he facilitated the appointment of petitioner No.1 — Jindal, who was his relative and petitioner No.2 — Mandeep (brother of petitioner No.1), in DHBVN. The investigation has further indicated that several other persons were similarly appointed through forged transfer orders. The allegations against the petitioners pertain to their alleged involvement in a conspiracy whereby forged transfer orders were allegedly prepared and used for securing appointments in the DHBVN under the outsourcing policy followed by withdrawal of salary from the Government treasury thereby causing financial loss to the State ex-chequer. At this stage, this Court is not required to conduct a detailed examination of the evidence or record a finding regarding the guilt/innocence of the petitioners. While considering a prayer for grant of anticipatory bail, the Court has to keep in view the nature and gravity of the allegations, the material collected during investigation, the manner in which the alleged offence was committed, the possibility of further discovery of material and the requirement of effective investigation. The instant case pertains to forgery of official documents in order to obtain appointment in UHBVN coupled with allegations of conspiracy and financial loss to the State exchequer. The plea of the petitioners that they have not been named in the original FIR does not persuade this Court at this stage. Mere absence of the name in the FIR cannot, by itself, be treated as a ground sufficient for grant of anticipatory bail particularly when material showing the involvement of an accused has subsequently surfaced during the course of investigation. The contention that no recovery is to be effected from the petitioners also does not persuade



CRM-M-40668-2026

7

ascribed to the petitioners, the material placed on record before this Court, at this stage, *prima facie* indicates that they have actively participated in the commission of offence.

8. From a *prima facie* reading of the FIR and the material collected during investigation, it cannot be said that the allegations against the petitioners are wholly vague or devoid of substance. The plea that the petitioner was not named in the initial FIR does not inspire confidence at this stage. The material collected so far reflects *prima facie* evidence of common intention and joint participation of the petitioners and co-accused, as reflected from the disclosure statement. The alleged involvement of the petitioners, though emerging at a subsequent stage, is supported by material collected during the course of investigation which lends corroboration to the prosecution version. In the considered view of this Court, the veracity of the disclosure statement(s) and the extent of the involvement of the petitioners in the offence, are matter(s) requiring thorough investigation which can be effectively undertaken only through custodial interrogation. The allegations in the FIR and the material collected during the course of investigation *prima facie* disclose an offence of cheating and criminal conspiracy in which the role of the present petitioners is currently under investigation. In the considered opinion of this Court, granting anticipatory bail to the petitioners, at this stage, would hamper the ongoing investigation and impede the recovery of material evidence. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioners is necessary to recover the forged documents and ascertain the role of other co-accused who may be involved in the offence in question. At the stage of



CRM-M-40668-2026

8

evidence but only to see whether *prima facie* allegations disclose a serious offence. In the considered opinion of this Court, granting anticipatory bail at this stage is likely to hamper the ongoing investigation.

9. It is a trite law that the anticipatory bail is an extraordinary remedy and is to be granted only in exceptional circumstances where the Court is satisfied that the accused has been falsely implicated and that custodial interrogation is not required. Considering the nature of allegations, possibility of involvement of multiple persons and to uncover the broader conspiracy, if any, behind the occurrence coupled with the role of the petitioners, it is not appropriate to grant anticipatory bail to the petitioners at this nascent stage. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the FIR in question. 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 preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, 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)



CRM-M-40668-2026

9

“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.”

10. In view of the gravity of the allegations, the role attributed to the petitioners as beneficiaries, the larger conspiracy involving several persons as also the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioners do 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

August 26, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No