

2025:PHHC:082770



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-5104-2025

Date of decision: July 09, 2025

HANS RAJ

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashu Rana, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab
with ASI Sunil Kumar.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.20 dated 26.02.2022 under Sections 420 of Indian Penal Code, 1860 and Sections 7, 13 of Prevention of Corruption Act, 1988 (and Sections 417, 409 of IPC added later on), registered at Police Station Division No.1, District Pathankot (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner, who is a veterinary doctor by profession, has been falsely implicated in the instant FIR (Annexure P-1). It is alleged that the petitioner duped the complainant of Rs.1 lakh on the pretext of securing a Government job for his son. However, it is argued that no offence under the Prevention of Corruption Act, particularly Section 13 is made out against the petitioner, as the essential ingredients of 'misconduct' are not satisfied.



3. Learned counsel further submits that even if the allegations levelled in the FIR are assumed to be true, for the sake of arguments (though no admitted), the fact remains that no property was ever entrusted to the petitioner. Hence, no criminal liability can arise on that account.

4. It has also been submitted that the petitioner has been in custody since 20.04.2024 and the investigation stands concluded as the challan has already been presented before the learned trial Court. Out of 14 prosecution witnesses cited, only 6 have been examined so far, and given the pace of trial, it is likely to take considerable time to conclude. A prayer has, therefore, been made for extending the concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that there are serious and specific allegations against the petitioner, involving cheating and misrepresentation to extract Rs.1 lakh from the complainant in exchange for securing employment for the complainant's son-Shivam.

6. Learned State counsel has further pointed out, on instructions, that the petitioner was earlier declared a 'Proclaimed Person' on 30.09.2023 and was arrested only on 15.06.2024, despite the FIR being registered as far back as on 26.02.2022. It has been asserted that the conduct of the petitioner indicates deliberate evasion of legal proceedings. Additionally, it is submitted that the petitioner is involved in at least three other criminal cases



of a similar nature, which clearly reflects that the petitioner is a habitual offender.

7. Furthermore, it has been submitted that while 6 of the 14 prosecution witnesses have been examined, the remaining witnesses are yet to be examined and releasing the petitioner on bail at this stage could pose a serious risk to the fair and expeditious conclusion of the trial, moreso when on an earlier occasion, he had absconded.

8. I have heard learned counsel for the parties and perused the relevant material placed on record.

9. The allegations against the petitioner are grave and pertain to defrauding the complainant by dishonestly inducing him to part with Rs.1 lakh on the false assurance of procuring a Government job for his son. The petitioner, being a public servant, is expected to uphold the highest standards of integrity and accountability, which appear to have been *prima facie* breached. The fact that the petitioner was declared a 'Proclaimed Person' on 30.09.2023 and was subsequently arrested on 15.06.2024, over two years after the registration of the FIR, demonstrates a clear attempt to evade the due process of law. Further, the involvement of the petitioner in other criminal cases of a similar nature significantly undermines the plea of false implication.

10. Accordingly, in view of the serious and specific nature of the allegations, the antecedents of the petitioner including his conduct in



evading arrest, and the potential risk to the fair process of trial, no ground is made out to enlarge the petitioner on bail.

- 11. Accordingly, the instant petition stands dismissed.
- 12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 09, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No