



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M No.18157 of 2025

Rajinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.18161 of 2025

Krishan Lal

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 2nd April, 2025

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurabh Arora, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The petitioners in both the petitions detailed hereinabove have sought the concession of anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.33 dated 11.03.2025 under Sections 406, 409, 420, 120-B of the IPC registered at Police Station Naggal, District Ambala. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.

2. The FIR in question has been lodged against both the petitioners on the allegations of embezzling Government funds under the Mahatama Gandhi National Rural Employment Guarantee Scheme (MGNREGA). The allegations stem from an inquiry report, which found that the petitioners had misappropriated Government funds by fraudulently marking fake attendance and receiving wages without performing any work. Allegedly petitioner Krishan Lal fraudulently received ₹51,803/-, while petitioner Rajinder Singh (Rozgar Sahayak) played an active role in facilitating the misappropriation by allegedly fabricating attendance records and manipulating official records. The report by the inquiry committee formed the basis of the FIR, which recommended legal action against the petitioners.

3. Learned counsel for the petitioners has vehemently argued that the allegations are false, politically motivated, and stem from a vendetta initiated by one Devinder Singh who had earlier filed a complaint against petitioner Rajinder Singh. It has been submitted that Devinder Singh's father was implicated in a case under the POCSO Act, and following failed attempts to secure a compromise, he fabricated the present complaint as a counterblast.

4. It has also been contended that the work under MGNREGA was duly inspected and verified by competent authorities, and wages were credited accordingly. Furthermore, the petitioners were not accorded an opportunity to be heard before the FIR was registered. Rather, the inquiry report was not provided to them before lodging the

FIR, and their legal notice seeking documents was also ignored. Pertinently, the FIR in question was lodged even before the expiry of the notice period granted to them for depositing the alleged embezzled amount.

5. Learned counsel submits that no recovery is required to be made from the petitioners, and therefore, their custodial interrogation would be unwarranted, more so when they are willing to cooperate with the investigation.

6. Notice of motion.

7. Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana who is present in Court, accepts notice on behalf of the State.

8. Mr. Himanshu Sharma, Advocate puts in appearance and files his power of attorney on behalf of the complainant.

9. Learned State counsel, on being put to notice, along with learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel for the petitioners and drawn the attention of this Court to the serious and specific allegations levelled against the petitioners in the FIR, which has been annexed as Annexure P-1. It has been contended that the petitioners, in collusion with other persons, hatched a criminal conspiracy to misappropriate Government funds. By falsely marking attendance and receiving wages for non-existent work, they caused substantial financial loss to the Government. It has been contended by the learned State counsel that custodial interrogation is required of both the petitioners to unearth the extent of

the conspiracy, identify other potential beneficiaries, and recover public funds.

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

11. The allegations against the petitioners pertain to serious financial offense involving the misappropriation of Government funds under the MGNREGA Scheme. Both the petitioners are accused of fraudulently fabricating attendance records and wrongfully obtaining public money, which, if proven, constitutes a grave breach of public trust.

12. Economic offences of this nature affect not only the State Exchequer, but also the integrity of public welfare schemes, necessitating strict scrutiny. The report by the inquiry committee has found specific instances of misappropriation, which cannot be brushed aside on the mere assertion that the FIR is politically motivated. The assertion of the learned counsel for the petitioners that on account of prior dispute involving the complainant's family, cannot, by itself, be a ground to discard the findings of an official inquiry committee. Furthermore, the contention that the petitioners were denied an opportunity of hearing before the FIR was registered, is legally untenable, as an FIR is only the starting point of the investigative process. The petitioners will have ample opportunity to present their defence during the investigation and trial.

13. Furthermore, the argument that custodial interrogation is unnecessary, is equally unconvincing. Financial crimes often involve a complex chain of transactions, and a thorough probe is required to ascertain the extent of the fraud, the possible involvement of other individuals, and the recovery of public funds. Given the severity of the allegations and the need for an in-depth investigation, this Court does not deem it appropriate to extend the extraordinary concession of anticipatory bail to the petitioners. Both the petitions stand dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

April 2, 2025
rps

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