IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. **CRM M-30535-2025 (O&M)**
Date of Decision:04.07.2025

Bijender Kumar ...Petitioner
Versus
State of Haryana ... Respondent

2. **CRM M-32885-2025**

Gautam ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Naveen Kaushik, Advocate, for the petitioner
in CRM M-30535 of 2025.

Mr. Akash Vashisth, Advocate
for the petitioner in CRM M-32885 of 2025.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.SHEKHAWAT, J.

1. This order shall dispose off two petitions, i.e., CRM M-30535 of 2025 titled as ***"Bijender Kumar Vs. State of Haryana",*** and CRM M-32885-2025 titled as ***"Gautam Vs. State of Haryana",*** whereby, the petitioners have prayed for grant of concession of regular bail in a case FIR No. 5 dated 24.01.2025 under Sections

13(2), 13(1)(a) and 7 of Prevention of Corruption Act, 1988 read with Sections 43 and 66 (C) of IT Act, 2000 read with Sections 316(2), 316(5), 318(2), 318(4), 336(3), 338 and 61 of B.N.S., 2023 (Sections 61(2), 318, 340(2) of BNS and Section 66(c) of IT Act added later on) registered at Police Station ACB, District Faridabad.

2. The FIR in the present case has been registered on the basis of the complaint submitted by DSP, Anti Corruption Bureau, Faridabad and the same has been reproduced below:-

> *"To Station House Officer, Anti Corruption Bureau, Faridabad. Memo No. A4-4-2025/2707 Dated 23.01.2025 was received in the office of ADGP, ACB, Haryana from DG Development and Panchayat Department, Haryana with a request for registration of FIR and further legal action regarding financial embezzlement. The said Memo was sent vide e-mail to the office of ACB, Faridabad on 24.01.2025 for registration of a case and further investigation. The contents of the Memo are reproduced here. "From Director General, Development Panchayats Department, Haryana, Chandigarh. To Additional Director General of Police, Panchkula. Anti-Corruption Bureau, Haryana, Memo No. AA-4-2025/2707 Dated: 23/01/2025. Subject:- Request for Registration of FIR and Further Legal Action Regarding Financial Embezzlement. Please find enclosed a copy of letter dated 21.01.2025 submitted by Sh. Arun Kumar, Chief Account Officer, Development O/o Development and Panchayats, Department Haryana at Chandigarh, copy of D.O. letter No. FAW/Central Audit/2024-25/200 dated 16.12.2024 and D.O. letter No.*

FAW/2023-24/2024-25/1374 dated 16.01.2025 received from Principal Accountant General (Audit) Haryana wherein a serious case of financial embezzlement and unauthorized budget allocation of more than 50 Crores has been observed. Based on preliminary verification and the available evidence, it has come to light that substantial funds/budget were allocated to DDPO Palwal in financial year 2023-24 and 2024-25 from the login ID of Chief Accounts Officer, Development, at Headquarters on website of Finance Department without proper authorization or sanction. Furthermore, as pointed out by Principal Accountant General (Audit) in the above referred D.O. letter, a significant amount of these funds has been siphoned off by the BDPO, Hassanpur Office, District Palwal, through repeated payments made to a particular private firm namely M/s Deepak Manpower Service/Deepak Kumar and other payees. It is pertinent to mention here that, as informed by CAO of this office, Budget Controlling Authority i.e. CAO in this case, allots budget to Budget Controlling Officer i.e. DDPO, Palwal in this case, for further allocation of Budget as per demand received from the respective DDOS under their control. In present case after going through the dashboard of Finance Department it has been noticed that by mentioning sanction order number as SPL-10, SPL10, SPL, 10 etc. budget was allotted to DDPO Palwal which are fake, because no record regarding demand received from concerned DDPO or sanction order from the concerned branch is available regarding these transactions. Subsequently, frivolous bills were generated by BDPO

Hassanpur office to transfer these funds to a specific private firm namely M/s Deepak Manpower Service/Deepak Kumar and other payees. The following observations substantiate the prima facie case of financial embezzlement:

1. Unauthorized allocation of funds from the Account's Branch (HQ) without requisite approval from the Head of Department.

2. Alleged misuse of official computer IDs and passwords to facilitate illegal fund transfers.

3. Significant irregularities in fund utilization (as highlighted by the letter of Deputy Commissioner, Palwal and the DO letter received from the PAG (Audit), Haryana) at the Block Development and Panchayat Office, Hassanpur, District Palwal, where payments were made to a specific private firm under questionable circumstances.

Given the gravity of the matter and the involvement of substantial public funds it is requested that:-

1. An FIR be registered against the officials/individuals/firms involved in the unauthorized allocation and misappropriation of funds.

2. A thorough investigation be conducted, to identify all individuals and entities complicit in the financial embezzlement.

3. Legal action be initiated against guilty parties as per relevant laws and sections.

Enclosure as above., Sd/ Superintendent (Admin), For DG Development and Panchayats Department, Haryana (Chandigarh)" Further the enclosures received along with the complaint from the office of DG, Development *and Panchayats Department, Haryana (Chandigarh) reveal the complicity of Rakesh, Clerk office of BDPO, Hassanpur, District Palwal in connivance with Deepak etc. proprietor of Deepak Manpower Services Kumar in siphoning out the funds of Panchayat Department. Since the above facts prima facie disclose the commission of offences u/s 7, 13(1) (a) r/w 13 (2) of the PC Act, 1988 (as amended in 2018) and under Sections 61 (2), 316(2), 316(5), 318, 318 (4), 336(3), 338 under the B.N.S. (Bhartiya Nyaya Sahinta) and under Section 43 of the IT Act, 2000 r/w Section 66-C of the IT Act, 2000 against Rakesh, Clerk, BDPO Office, Hassanpur, District Palwal and Deepak Kumar proprietor of Deepak Manpower Services and other unknown public servants of the offices of BDPO Hassanpur, DDPO Palwal, Director Development and Panchayat Haryana and private persons, it is requested that an FIR be registered, and investigation conducted as per law. (Satya Pal), HPS Dy. Superintendent of Police, Anti Corruption Bureau, Faridabad Range, Faridabad".*

3. Learned counsel for Gautam (petitioner in CRM M-32885-2025) submits that the allegations have been levelled in the FIR with regard to siphoning off of the substantial funds/budget, which was allocated to DDPO, Palwal, in the financial year 2023-2024 and 2024-2025 by misusing the login ID of Chief Accounts Officer, Development, without proper authorization or sanction. It was also found that by mentioning sanction orders, the budget was allocated to DDPO, Palwal and frivolous bills were generated by BDPO Office, Hassanpur, to transfer these funds to a

specific private firm, namely, M/s Deepak Manpower Service and other payees. Thus, an amount of Rs. 50 crores was embezzled, which was allocated by the government for the welfare of the public at large and was required to be spent for the development of panchayats in District Palwal. A major portion of the amount was taken away by using the accounts of M/s Deepak Manpower Service, which belonged to Deepak Kumar, co-accused. He further contends that in fact in the present case, Shamsher Singh, SO, and Rakesh are the main accused/beneficiaries in the whole scam. During the course of trial also, sufficient evidence was found that the major portion of the amount, out of total embezzled amount was taken away by Shamsher Singh, Satpal Singh Clerk, Tejinder Computer Operator and Rakesh, all co-accused. Even as per the disclosure statements recorded by the police, Rakesh had deposited Rs. 35/36 lakhs in the account of the petitioner, whereas, an amount of Rs. 18 lakhs was deposited in the account of the wife of the petitioner. However, the said amount was withdrawn and was taken away by Rakesh in cash. In return, Rakesh, main accused used to take him to different places and used to entertain him. Thus, the petitioner was not a beneficiary of the entire scam and has been made scapegoat. He further contends that it is a case where the bank account was misused by the main accused and the petitioner had no knowledge with regard to the entire scam.

4. Learned counsel appearing on behalf of Bijender Kumar (petitioner in CRM M-30535 of 2025) has also raised the similar

arguments and submits that in the present case during the course of investigation, the allegations have been mainly levelled against Shamser Singh, SO, Satpal Clerk, Tejinder Computer Operator and Rakesh, co-accused. Even, there was no material to corroborate the claim of the prosecution that the petitioner had rightly received a sum of Rs.40 lakhs from anyone. Apart from the uncorroborated statement of the co-accused, there was no material against the petitioner nor any specific role was assigned to him. The son of the petitioner is suffering from 75% disability and is undergoing treatment. Except the petitioner, there is no other family member to take care of him.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioners on the ground that the petitioners alongwith their co-accused had committed a fraud and the government funds were illegally diverted. Apart from that, Rakesh and his co-accused had opened various bank accounts and the embezzled about was deposited in the various bank accounts. He further contends that Bijender Kumar is in custody since 29.01.2025 whereas Gautam is in custody since 17.03.2025.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, no doubt, the allegations have been mainly levelled against Shamshar Singh, SO and Satpal Clerk, Tejinder Computer Operator and Rakesh. Even, the said accused have already been arrested by the police. Moreover, in the present case,

Bijender Kumar is in custody for the last more than 06 months whereas Gautam has also been in custody for the last about 04 months and the trial is not likely to conclude in near future.

8. In view of the above, without commenting any further on the merits, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

9. All pending applications, if any, are disposed off, accordingly.

04.07.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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