



**(204) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-32749-2025

Date of decision : 25.09.2025

NAR SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Pankaj Nanhera, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Sauhard Singh, Advocate for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482BNS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.20 dated 24.10.2024 registered under Sections 61/127(2)/140(3)/308(2) of BNS and Sections 7/7-A of the Prevention of Corruption Act (Sections 61(2) of BNS 2023 and Section 13(1)(B) of PC Act added later on and Section 61 of BNS deleted later on) at Police Station Anti Corruption Bureau, District Hisar.

2. The present FIR came to be registered at the instance of Aman S/o Sh. Ramkesh and the same reads as under:-

“Sir, it is requested that I, Aman son of Sh. Ramkesh am the resident of Litani, Uklana. Alongwith agriculture, also do private work. On 10.10.2024, I was going from my house in my I-20 car having temporary number towards our petrol pump. About 1/2 KM behind my pump, a vehicle of CIA-II Staff, Hissar stopped in front of my car. They came down from the car and came near car and asked me to come out of



the car. When I asked as to who are you. They told me as CIA staff and made, me to come out of the car and sit on the rear seat of my car and they took me to Litani Mor in my car and after parking the car on the side, made me to come out of the car and sit in the staff car and my car was taken away by 2 employees of CIA-II staff Hissar. In staff car, there were also 2 staff employees. They took me to Mela Kothi, CIA-II, Hisar. Thereafter, they made me to sit for 1-1 ½ hours and thereafter 2 employees, who were from CIA-II, brought my car in CIA-II. They interrogated me and said that a case would be registered against you in the matter of Raja Gujjar and Vikram Ladwa and implicate your name in illegal weapons and illegal possession and by registering the case against you, would get your property attached. I told about my innocence. Then they removed my clothes and tied me with the chair and threatened and scared me. The staff members were talking with each other with the name of Ajay and Kapil Sihag. I can identify those four persons upon producing before me. Thereafter I was taken to the Incharge Inspector. Then Inspector told about implicating in the case of Raja Gujjar and said that a property of ten crores has been taken and pump has also been taken. Thereafter, I was made to sit in a room and after sometime Richhpal and Ramesh Dhaka came. They came to me and asked to get me released by giving bribe. Then I asked my uncle Richhpal and Ramesh Dhaka for resolving this by giving bribe so that the reputation may not be tarnished. Thereafter 2-3 times, my uncle went in and came out. Then he told me that Kapil Sihag, CIA-II Incharge is demanding Rs. 30 lacs. I said that I have not committed any murder, that I would give this much amount. Then my uncle and staff members finalized for releasing me for a sum of Rs.17 lacs 50 thousand and before releasing me, they got my signatures on blank papers and asked to give the amount of bribe within 6-7 days and also



threatened me to register false case, upon not giving the money. 6-7 days ago, Rs. 2 lacs were given to my uncle Richhpal, which my uncle gave by going inside CIA-II Hissar, in my presence. Now uncle Richhpal and Ramesh Dhaka are demanding another Rs.15 lacs 50 thousand. They are saying that we have made a commitment with Kapil Sihag, CIA-II. If you would not give the money, then my uncle Richhpal said that I would give. Now at the instance of both of them, I have made the arrangement of Rs.5 lacs 80 thousand. I would give this amount to Richhpal and Richhpal would give this amount to CIA-II Hissar, Incharge Kapil Sihag and his colleague staff. I do not want to give this amount of bribe to Richhpal and his accomplice Ramesh Dhaka. But they are repeatedly putting pressure on me for giving the money. I have the audio and video recording of Richhpal and his accomplice Ramesh Dhaka, which would be produce later on. Legal action be taken against all of them. Sd/ Aman son of Ramkesh, Village Litani, Tehsil Uklana XXXX.”

3. Thereafter, during the trap proceedings conducted by the Vigilance Team, co-accused Richpal was apprehended at House No. 3218, located near the Market of Housing Board, Sector-4 Part-2, Hisar, while accepting a bribe amounting to Rs.5,80,000/-, which was recovered from him. During the course of investigation, co-accused Richpal made a disclosure statement admitting his involvement in the commission of the offence. He further disclosed that, on 11.10.2024, out of Rs.2,00,000/- received from the complainant, he handed over Rs.1,50,000/- to the co-accused Ajay (Constable) outside the premises of CIA Staff-II, Hisar. Furthermore, in his disclosure statement, Richpal revealed that, on 22.10.2024, he had also handed over a bribe amount of Rs.10,00,000/- to the co-accused Ajay near Matka Chowk, Hisar.



4. In his statement recorded by the Judicial Magistrate, Hisar under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), the complainant specifically named the petitioner. The complainant stated that when he was at a distance of approximately half a kilometer from his Petrol Pump, a vehicle belonging to CIA-II Staff, Hisar, intercepted and stopped his car. The individuals in the said vehicle forcibly boarded his car and took him to Litani Turn, from where he was transferred into their official vehicle and subsequently taken to Mella Kothi, CIA Staff-II, Hisar. His i20 car was also brought to the CIA Staff premises. He was stripped of his clothes and tied to a chair. ASI Sandeep, Constable Sandeep, Ajay, and petitioner-SI Nar Singh took him to Kapil Sihag. Kapil Sihag instructed the other co-accused to initiate criminal proceedings against the complainant. The complainant further stated that the co-accused persons told him that Kapil Sihag was an influential individual.

5. During the investigation, the analysis of the Call Detail Records (CDRs) of accused Kapil Sihag's mobile numbers 9466100059 and 8814011726 (official number) revealed that between 10.10.2024 and 24.10.2024, he was in frequent telephonic contact with co-accused police personnel. Specifically, he communicated with Constable Ajay Kumar No. 1155/Hisar on mobile numbers 9466580901 and 9050933333 on 39 occasions; with ASI Sandeep Kumar No. 821/Hisar on mobile number 9813498008 on 43 occasions; with petitioner-ORP SI Nar Singh No. 871/Hisar on mobile number 8814011229 on 12 occasions; and with



Constable Sandeep Kumar No. 953/Hisar on mobile number 9828960330 on 4 occasions dated 13.10.2024.

6. As per investigation the petitioner who was posted as Sub Inspector in the police department, along with other co accused forcibly brought the complainant to CIA Staff-II, Hisar and there demanded extortion money while extending threats to implicate him in false cases of Raja Gujar and Vikram Ladwa and for keeping illicit weapons. In the CIA Staff, Hisar, the petitioner alongwith other co-accused removed the clothes of the complainant and tied him with a chair. During investigation of the case, the complainant in his statement recorded under section 164 Cr. P.C. specifically named the petitioner-Nar Singh that he was among the police officials who forcibly brought him in the CIA Staff, Hisar and by extending threat of implicating in false cases, demanded extortion money.

7. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on account of departmental politics. He has not been named in the FIR which has been registered two weeks after the occurrence which purportedly took place on 10.10.2024. There is a substantial delay of 10 days in the registration of the FIR which is fatal to the prosecution case. The name of the petitioner finds mentioned in the statement under Section 183 of BNSS, 2023 (164 Cr.P.C.) which statement is an improvement from the prosecution case. As the petitioner has joined investigation and has



cooperated with the same, he is entitled to the concession of anticipatory bail.

8. On the other hand, the learned State counsel while referring to the reply dated 08.07.2025 contends that during the course of investigation it transpired that four police officials namely, ASI Sandeep, Constable Sandeep, Constable Ajay and SI Nar Singh (petitioner) abducted the complainant without there being any case registered against him took him to the police station where his clothes were removed and he was beaten up. The statement of the complainant under Section 183 BNSS stands established even from the DDR dated 24.10.2024 (Annexure R-4) as per which the complainant was brought to the Police Station under the supervision of the petitioner and thereafter sent away with Richpal as there was no case registered against him. The nature of the allegations are grave inasmuch as police officials have forcibly abducted a person and extorted money from him. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, he is not entitled to the concession of anticipatory bail even though some accused have been granted regular bail.

9. I have heard the learned counsel for the parties.

10. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the



Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the***



custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

11. In *Devinder Kumar Bansal Vs. State of Punjab, 2025 SCC*

Online SC 488, the Hon'ble Supreme Court held 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."

(Emphasis supplied)

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."

(Emphasis supplied)

12. In **Kewal Singh Vs. State of Punjab, 2025(2) Law Herald 1736**, the Hon'ble Supreme Court held as under:-

"9. It is well settled law, and reaffirmed by the Hon'ble Supreme Court in Devinder Kumar Bansal v. State of Punjab, 2025 INSC 320 that anticipatory bail in cases involving offences under the Corruption Act is to be granted only in the rarest of rare circumstances. The court is required to be prima facie satisfied either of false implication, political vendetta, or manifest frivolity in the complaint.



10. In the present case, no such circumstances are made out. On the contrary, the specific allegations supported by preliminary material including the trap proceedings, indicate a prima facie involvement of the petitioner in the commission of the alleged offence.

11. In view of the seriousness of the allegations, the position of trust held by the petitioner as a public servant, and the need for thorough investigation through custodial interrogation, this Court finds no ground to extend the extraordinary concession of the anticipatory bail to the petitioner.”

(Emphasis supplied)

13. As per the prosecution case, four police officials claiming to be from the CIA Staff abducted the complainant took him to Mella Kothi, CIA-II Hisar where his clothes were removed and he was tied to a chair and threatened with false implication. Though, the petitioner has not been named in the FIR, his name finds duly mentioned in the statement under Section 183 BNSS and the supplementary statement of the complainant. The fact of his abduction and subsequent release from custody is also established from the DDR dated 24.10.2024 (Annexure R-4) where the name of the informant has been mentioned as SI Nar Singh, the present petitioner. Apparently, *prima facie*, the offence stands established against the petitioner. In order to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

14. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.



15. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

25.09.2025

JITESH

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