

CRM-M-38221-2025 (O & M)

2025:PHHC:106807



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(210)

CRM-M-38221-2025 (O & M)
Date of decision:18.08.2025

Ram Pal

..... Petitioner

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikram Rathore, Advocate and
Mr. Talim Hussain, Advocate with
Mr. Mohammad Sabir, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Sarthak Gupta, Advocate and
Mr. Rehat Bir Singh Mann, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS is for the grant of anticipatory bail to the petitioner in case FIR No.0003 dated 06.02.2025 under Sections 7, 7-A (Sections 8, 13(1)(b) read with 13(2) of PC Act added later on) Prevention of Corruption Act, 1988 registered at Police Station ACB, Gurugram, District Gurugram, Haryana.

2. The present FIR came to be registered at the instance of Juber Ahmed and reads as under:-



To, The Inspector ACB Gurugram Sir, I request that I am Juber Ahmed son of Din Mohammad resident of ward No.11, Ferozpur Jhirka, Nuh. I have been working as a computer operator in the office of Sub Division, Additional Officer (Civil) Ferzopur Jhirka for the last several years. I was transferred from this office to the office of Deputy Commissioner, Nuh in the month of October 2024. During my posting in the office of Sub Division, Additional Officer (Civil) Ferzopur Jhirka, I had conversation with Ram Pal, Sarpanch, Gram Panchayat Karhera, Block Nagina, District Nuh. He told me that an enquiry of mine is pending in your office, recommend to SDM sir to make inquiry in my favour. On which I told the said SDM sir for recommendation of the Sarpanch. On which SDM sir told me to tell Sarpanch that if he wants to get his enquiry filed then it will cost 4 lakh rupees, there is a lot of expenditure in the office. I told this to Sarpanch. After this, I was transferred to the office of Deputy Commissioner, Nuh and after a few days the Sarpanch came to me and said that get my work done and gave me 3 lakh rupees in cash in exchange for getting the work done. But I neither wanted to take bribe nor give bribe nor did I want to get into this mess. After that I talked to the village Secretary Hasin in this regard, he said that I will talk to SDM sahab and tell you. On which the village secretary Hasin told me that SDM sahab has said that she has demanded 4 lakhs rupees for this work. But I thought that Sarpanch's work will be done without giving money. But after a few days the Sarpanch said that I gave you money and my work was also not done. On which I met the secretary with the Sarpanch today on 06.02.2025, here the secretary said in front of Sarpanch that SDM Sahab will not do your work without taking money. I did not want to give the money given to me by the Sarpanch to the secretary and the SDM that is why I have come to you today. Today I have only 3 lakhs rupees I do not want to give this



money Secretary Haseen and SDM Sahab. Justice should be done to me and legal action should be taken against the above mentioned secretary Haseen and SDM Sahab. Today I have recorded the conversation with secretary Haseen regarding bribe in front of Sarpanch Ram Pal on my mobile, which I will present to you later. I have no personal enmity with secretary Haseen and SDM.

3. Thereafter, a trap was laid and Haseen was apprehended along with cash. During investigation, the disclosure statement of Haseen was recorded in which he disclosed that he had spoken to Pardeep- Reader of the SDM who told him that the SDM demanded Rs.4.5 lakhs for deciding the inquiry of Rampal and that at the instance of Pardeep, he forwarded one inquiry report of Smt. Hamida Sarpanch dated 20.01.2025 on the mobile phone of Pardeep through WhatsApp so that Rampal Sarpanch could be exonerated in similar manner.

4. The learned counsel for the petitioner contends that it was the complainant who took a sum of R.7 lakhs from the petitioner to bribe the SDM before whom the enquiry of the petitioner was pending. When the enquiry was not completed and the petitioner asked for the return of his money, he alongwith Haseen were implicated by Juber Ahmed (complainant) and the police. In fact, the complainant had received the money from the petitioner in October 2024 but fraudulently got the petitioner trapped in February 2025. He has given a detailed representation in that regard but the investigating agency has not given due importance to the same. As the petitioner is ready and willing to join investigation, he be granted the concession of anticipatory bail.



5. The learned counsel for the State, on the other hand, has filed a supplementary reply dated 14.08.2025 which is taken on record. While referring to the said reply, he contends that it is the admitted and pleaded case of the petitioner that he had paid a sum of Rs.7 lakhs to bribe the SDM, Ferozepur Jhirka to exonerate him in the inquiry. Haseen/co-accused was arrested when he was accepting part of the bribe amount from the complainant. There are telephonic conversations between the complainant-Juber Ahmed and the petitioner-Ram Pal as also between Juber Ahmed (complainant) and Haseen. From the telephonic conversations, it is apparent that the petitioner had approached Juber Ahmed (complainant) who was working as a Computer Operator in the office of Sub Division, Additional Officer (Civil), Ferozepur Jhirka so as to get the SDM to exonerate the petitioner in a departmental enquiry. Pardeep, the Reader to the SDM, Ferozepur Jhirka, had sought the concession of anticipatory bail and this Court vide order dated 20.05.2025 dismissed the bail petition. As the allegations are grave and the offences under the Prevention of Corruption Act, 1988 stand *prima facie* established, the petitioner is not entitled to the concession of anticipatory bail.

6. I have heard the learned counsel for the petitioner.

7. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has 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. ”

8. Complainant-Juber Ahmed who was posted as a Computer Operator in the office of Sub Division, Additional Officer (Civil) Ferzopur Jhirka, got registered the instant FIR, alleging that petitioner-Ram Pal/Sarpanch had an enquiry pending against him before the SDM, Ferozepur Jhirka. The petitioner approached him (complainant) for help with the SDM and in order to obtain a favourable result, the complainant approached the SDM who told the complainant to inform the petitioner that if he (petitioner) wanted a favourable result then it would cost him money. Later, the petitioner gave a sum of Rs.3 lakhs to the complainant which he handed over to the Panchayat Secretary-Haseen who was caught red-handed. The petitioner has admitted the factum of him having paid Rs.7 lakhs to the complainant but contends that when the enquiry had not culminated in his favour, he demanded the money back because of which the complainant got upset and with the aid of the police got the petitioner-Ram Pal and Haseen implicated. Apparently, the petitioner's pleaded case is that he was attempting to offer a bribe to a public servant and therefore, *prima facie* Section 8 of the PC Act, 1988 is attracted. Pardeep, the Reader to the SDM, Ferozepur Jhirka has sought the concession of anticipatory bail and the same



has been declined vide order dated 20.05.2025. 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.

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

10. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

11. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

August 18, 2025
sukhpreet

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