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2025:PHHC:091591



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

**CRM-M-39217-2025
DECIDED ON: 24.07.2025**

RAKESH KUMAR**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 (earlier Section 438 of the Code of Criminal Procedure, 1973) for grant of pre-arrest bail in case FIR No. 0092 dated 25.03.2025 (Annexure P-1) registered under Sections 406, 420 of Indian Penal Code, 1860 (Later Sections 467, 468 & 471 of IPC added), at Police Station Bahalgarh, District Sonipat.

2 Contention**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that the alleged transaction of ₹25,000 credited to the petitioner's account took place in the year 2020, whereas the FIR has been registered only in the year 2025. In view of this

delay, it is contended that implicating the petitioner at this belated stage does not justify the need for custodial interrogation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Sushil Bhardwaj, learned Additional Advocate General, Haryana, accepts notice on behalf of the respondent/State and seeks dismissal of the present petition, alleging that the petitioner has defrauded the complainant of an amount of ₹9,35,000/-.

Mr. Rajeev Sharma, learned counsel for the complainant, has also entered appearance and strongly opposes the prayer made in the present petition. He submits that the petitioner duped the complainant of ₹9,35,000/- on the false pretext of securing a job for him as a Probationary Officer in Allahabad Bank.

3. **Analysis**

In the present case, the alleged transaction of ₹25,000/- occurred in the year 2020, whereas the FIR has been registered after an unexplained and inordinate delay of five years in 2025, no plausible justification has been provided by the prosecution for such belated implication of the petitioner casting a serious doubt on the credibility of the allegations. As far as the contention of complainant is concerned, he himself is equally liable under the law, having willingly paid a sum of ₹9,35,000/- with the intent of securing a public appointment through unlawful means in view of the expressly laid out principles of criminal jurisprudence under the Bharatiya Nagarik Suraksha Sanhita (BNSS), stating any person who facilitates or abets an act of corruption is also culpable and must be treated as an offender in the eyes of law.

Furthermore, it is pertinent to note that a compromise has already been effected between the complainant and co-accused Viplav Kumar, which further diminishes the necessity of custodial interrogation of the present petitioner.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned, within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

24.07.2025

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Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No