



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-43786-2024
Decided on:04.08.2025

Naseem

Versus

.....Petitioner

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mohd. Arshad, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station
Naseem	180	27.06.2024	406, 409, 420 IPC	Nagina District Nuh

2. On 05.09.2024, following order was passed:-

“ Prayer is for grant of anticipatory bail to the petitioner under Section 482 of BNSS 2023 in criminal case having FIR No.180 dated 27.06.2024 registered under Sections 406, 409, 420 of IPC at Police Station Nagina, District Nuh.

Counsel for the petitioner submits that petitioner is Ex. Sarpanch of village and there are allegations of embezzlement of funds of MNREGA against the petitioner. That from the perusal of the FIR, it appears that only vague allegations have been levelled against the petitioner and even the specific amount alleged to be embezzled by the petitioner is not detailed in the FIR. Counsel for the petitioner further submits that petitioner is having no criminal antecedents and is



*ready and willing to join investigation with the police.
Notice of motion.*

Mr. Parveen Kumar Aggarwal, Deputy AG, Haryana accepts notice on behalf of the State and on instructions from SI Abdul Gaffar submits that petitioner during his tenure as a Sarpanch embezzled the funds of MNREGA and when asked to produce the concerned record he failed to provide the same to the concerned authorities. It is further submitted that petitioner be given direction to produce the relevant record pertaining to MNREGA funds received during his tenure from 2016-2021. However, the State counsel has not disputed that no specific amount alleged to be embezzled by the petitioner is mentioned in the FIR.

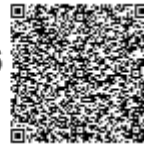
Counsel for the petitioner submits that as per his instructions, the petitioner has already provided the concerned record to the Government Authorities. That in case certain other record is available with the petitioner, he will also provide the same to the police/the Government Authorities within next two weeks.

Now be listed on 24.10.2024.

In light of the above, the petitioner is hereby directed to join investigation with the police and in case of arrest, he is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. However, it is made clear that petitioner should cooperate with the police during investigation and provide the record, if any, available with him to the concerned authorities. The petitioner is to abide by the conditions as envisaged under Section 482(2) of BNSS, 2023. ”

3. On 24.10.2024, another opportunity was granted to the petitioner to produce the relevant record, which was allegedly in his possession while he was holding the post of Sarpanch.

4. Learned counsel for the petitioner submits that petitioner has joined the investigation and has handed over the complete record that was in his possession. It is further submitted that, at this stage, custodial interrogation of the petitioner is not required. Therefore, prayer is made for confirmation of the interim order dated 05.09.2024.

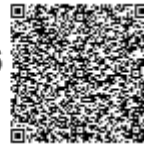


5. Learned State counsel, on instructions, submits that the petitioner has joined the investigation and has handed over the requisite record. It is further submitted that custodial interrogation of the petitioner is not required at this stage. However, it is submitted that petitioner be directed to rejoin the investigation as and when required by the Investigating Officer. It is further clarified that in the event of non-cooperation or failure to join the investigation when called upon, the petitioner shall not be entitled to claim the benefit of anticipatory bail.

6. After hearing learned State counsel and upon perusal of the allegations levelled in the FIR as well as the issues highlighted during the course of hearing, and taking into consideration the fact that the petitioner has joined the investigation and has extended full cooperation, and that custodial interrogation is not required as of now, this Court deems it appropriate to allow the present petition. Accordingly, the prayer for anticipatory bail is accepted. The interim order dated 05.09.2024 is hereby made absolute. Petition is, thus, allowed.

7. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and shall abide by all the terms and conditions laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

It is further clarified that in the event the petitioner fails to join or rejoin the investigation despite service of due notice by the Investigating Officer, it shall be open to the prosecution to seek cancellation of the anticipatory bail.

**CRM-M-43786-2024****4**

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he do not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

04.08.2025
rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**