

2025:PHHC:145484



CRM-M-41153-2025

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

102+204

CRM-M-41153-2025 (O & M)

Date of decision: 17.10.2025

SEVENDER KUMAR

....Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

CRM Nos.41584-2025 and 39419-2025

Allowed as prayed for. Annexure P-12 and counter
affidavit of the petitioner are taken on record.

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1. Status report dated 10.10.2025 by way of affidavit of the Deputy Superintendent of Police, State Crime Branch, Faridabad, filed in the Court, is taken on record.
2. Prayer made in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.191 dated 13.03.2020, registered at Police Station City Ballabgharh, District Faridabad, under Sections 409, 420, 467, 468, 471 and 120-B IPC

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and Sections 7 and 13(1) (d) of the Prevention of Corruption Act, 1988.

3. Learned counsel submits that there is no allegation of any forgery against the petitioner and he was not required to verify the genuineness of the documents as RCs have to be issued within a period of 7 days and he was merely to check the submission of relevant forms.

4. Learned State counsel while referring to the various status reports filed in this case, submits that the petitioner is the main accused, who was working as RLA Clerk. 52 vehicles have been registered while undervaluing their price in order to defraud the State. The anticipatory bail petition of his similarly circumstanced co-accused-Amit Sharma, Data Entry Operator, has been dismissed by this Court on 19.06.2025 while that of Mahesh Kumar was on his request disposed of on 26.08.2025 for him to surrender before the trial Court. Further that there are 2 more FIRs registered against the petitioner of similar nature, however, since in those cases, registration certificates were not issued but only NOCs had been granted, therefore, no loss had been caused to the exchequer, in view of which anticipatory bail had been granted to him. But in the present case, a loss to the tune of Rs.60 lakh is found to have been caused to the Government. A charge-sheet under the Service Rules governing his service has been issued to the petitioner whilst co-accused Ajay suspended and services of

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another co-accused-Amit Sharma terminated. Custodial interrogation of the petitioner is imperative for the investigating agency to unearth his *modus operandi* and as to the involvement of other officials/agents etc, thus the present petition may be dismissed.

5. Heard.

6. It would be apposite to refer to para No 13 of the status report dated 07.08.2025 filed by way of affidavit of the Deputy Superintendent of Police, State Crime Branch, Faridabad, which reads thus:

“13. That there is direct evident against the petitioner during enquiry by registering officer-cum-SDO (C) Ballabgarh as he was posted as registration clerk in vehicle registration office-cum-SDO (C) Ballabgarh from 30.02.2018 to 24.07.2019. As per SOP, the work of a registration clerk was to check and verify the documents and process the files submitted by the vehicle owners for registration. He has misused/abused his official position and deliberately committed omission of his duty to check/verify that the vehicles have been registered on their actual price and the road tax has been submitted accordingly. He failed to perform his assigned duty while being posted as registration clerk in office of cum-SDO (C) Ballabgarh from 30.02.22018 to 24.07.2019. The remaining evidence is to be collected during interrogation of the petitioner accused.”

7. In pursuance of the order passed by this Court, status report dated 25.08.2025 was also filed by the above Officer, relevant extract of para No.4 thereof reads thus:

“4..... As per our investigation this has resulted in a revenue loss of Rs.60,18,114 (Sixty lac eighteen

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thousand one hundred and fourteen rupees) to the state government. Out of these 52 vehicles, 23 vehicles were registered during the posting of the present petitioner Sevender Kumar as Registration Clerk in the office of vehicle registration authority cum SDO (C) Ballabhgarh. The revenue loss resulting from the wrongful registration of these 23 vehicles by using forged bills/invoices amounts to Rs.31,91,899 (Thirty one lac ninety one thousand and eight hundred ninety nine rupees). The list of these 23 vehicles is being provided as an Annexure R-1 alongwith the status report.”

8. There being slackness in taking action in the FIR registered way back, is stated in the affidavit dated 07.08.2025 to be due to Nation-wide restrictions imposed during Covid-19 Pandemic and in the one dated 26.09.2025 filed by the Director General of Police, Haryana as vide memo dated 16.12.2021, that the case was transferred to State Crime Branch and the Additional Director General, Crime Branch entrusted the investigation to Sh.Jai Prakash, HPS, DSP and thereafter to SIT headed by Smt.Salochana, IPS, SP, SCB vide order dated 04.02.2022 but officers kept getting transferred out of the Crime Branch, details of the Investigating Officers who remained in the SIT are mentioned in Annexure R-1, appended therewith. In para 6 thereof it is stated that the role of petitioner-Sevender first cropped in investigation on 23.05.2025. Para 7, requires to be also referred to, which reads thus:

“7. That the accused Amit, moved Hon’ble High Court of Punjab and Haryana, Chandigarh on 16.06.2025, for anticipatory bail vide CRM-M-32722-2025, which was dismissed on

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19.06.2025 by the Hon'ble High Court. Continuous raids are being conducted at residential/known places of accused petitioner Sevender, co-accused Amit and Ajay. On 01.09.2025, a notice was issued to the then SDO (C) Trilok Chand, HCS for joining investigation on 04.09.2025. A detailed analysis was undertaken and in light of these facts and instructions/SOP of the State Transport Department, a detailed questionnaire was formulated to be put up to him. He has joined in the investigation on 04.09.2025, however, he could not satisfactorily answer the questions put to him with respect to the overlooking his duties as Registration Authority, Ballabgarh. His user ID and password have been used while registering the vehicles on the basis of forged invoices citing the prices lower than their actual value(as obtained from manufacturing company) thereby resulting in the loss to the state exchequer. During interrogation, he admitted that he had put his signatures on the registration documents in a routine manner and never cross checked. In this regard, further investigation will be made regarding his role once the present petitioner is arrested and interrogated and it shall be verified as to whether SDO(C) has done this act in connivance with Sevender Kumar, registration clerk.

9. Further, para Nos. 5, 6 and 8 of the status report dated 10.10.2025 filed by way of affidavit of Shri.Vikas Kumar, HPS, Deputy Superintendent of Police, State Crime Branch, Faridabad are pertinent to be referred and reads thus:

"5. That during the course of the investigation of the present case, a total 37 of accused persons have been arrested out of which 36 accused persons were arrested by the Special Investigation Team of the State Crime Branch, Faridabad and Final reports under Section 173 Cr.P.C., have already been filed against 28 accused persons, which are pending trial.

6. That during the course of further investigation, the accused (1) Amaresh Kumar (2) Ikhlaash Qureshi (3) Amin Khan (4) Dharmendra Singh (5) Sunil Kumar (6) Dharam Pal (7) Suresh Kumar and (8) Rahul were joined in the investigation of the present case. They were arrested upon receipt of appropriate incriminating

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evidence against them. They were interrogated while being in custody and their respective disclosure statements were recorded where they had conceded their involvement in the commission of the present crime.

7. xx xx xx xx

8. That during the course of further investigation, on 09.09.2025, accused Mahesh Kumar was apprehended and he was arrested upon receipt of appropriate incriminating evidence against him. He was subjected to interrogation while being in custody and he conceded his involvement in the commission of the present crime. His disclosure statement was recorded. He disclosed that during his posting at SDM Office, Ballabgarh, he had registered approximately 52 vehicles on the basis of forged documents by showing fake invoices of lower prices instead of the actual price of the vehicle and in this manner, revenue loss of Rs.60 lakhs was caused to the State Government. He was produced before the learned Area Magistrate and his custody was procured. He was re-joined in the investigation and he apprised the investigating agency that he had broken his mobile phone which was used by him in the commission of the present crime. On the basis of inputs provided by him, offence punishable under Section 201 IPC was clamped to the case. "

10. This Court while dismissing the petition seeking anticipatory bail by Amit Sharma, Data Entry Operator, has in its order dated 19.06.2025 passed in **CRM-M-32722-2025** observed that the relief of pre-arrest bail is not granted in routine and the police is required to unearth the entire racket of depriving the State of its revenue. His login and password has been used to register the vehicles. Moreover, this case is required to be properly investigated in order to find out who all were involved in the offence. As per para 10 of the afore-referred affidavit dated 10.10.2025, he is still at large. Similarly, learned counsel appearing

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in **CRM-M-46792-2025** filed by co-accused Mahesh Kumar, Computer Operator, faced with the fact, that petition filed by the above co-accused Amit Sharma, seeking anticipatory bail, was dismissed, prayed for withdrawal of the same to surrender before the trial Court and therefore his petition was disposed of accordingly on 26.08.2025.

11. There are grave allegations against the petitioner of facilitating the registration of commercial vehicles illegally resulting in loss to the public exchequer to the tune of Rs.60 lakh and similar petitions already stand dismissed, whereafter his co-accused after remaining in custody have now applied for grant of regular bail before this Court.

12. Besides the above, the petitioner is stated to be involved in 2 more FIR's with similar allegations levelled against him therein. His custodial interrogation is being sought so as to unravel the truth and ascertain the others who have connived with him in commission of the offence.

13. In **State represented by the C.B.I. vs. Anil Sharma**, 1997(4) R.C.R.(Criminal) 268, Hon'ble the Supreme Court had observed that in cases where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

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14. Hon'ble the Supreme Court in **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, had observed that, "Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

15. Hon'ble The Supreme Court in **Siddharam Satlingappa Mhetre vs. State of Maharashtra**, (2011) 1 SCC 694, while expounding the law on anticipatory bail relied on the parameters evolved by the Constitutional Bench in **Gurbaksh Singh Sibbia vs. State of Punjab**, (1980) 2 SCC 565 and held thus:

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- “i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- iii. The possibility of the applicant to flee from justice;
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.

xxx

xxx

xxx”

16. It is manifestly clear that anticipatory bail is not a right that may be granted in every other case. The Court has to take into consideration all the facts and circumstances and after its utmost satisfaction, grant it only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of him interfering in the path of justice.

17. The foregoing facts and circumstances reveal that the element of criminality cannot be ruled out, and couching the petitioner in a comparative safety of pre-arrest bail will hamper the thorough and effective investigation to elicit the truth of the case as it may leave many loose ends and gaps. His antecedents being such, he re-offending can not be ruled out. There also appears to be no reason to take a different view than the one taken in the anticipatory bail petition filed by his co-accused-Amit Sharma.

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18. The case at hand, when considered in the light of the afore-referred judgments, this Court finds the petitioner to be not entitled to grant of concession of anticipatory bail.

19. Resultantly, the present petition is dismissed.

20. The observations made hereinabove are meant only for the purpose of deciding this case and in no manner be construed to be an expression of opinion on its merits.

17.10.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No