IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48957-2025
Date of decision : 17.09.2025

MAINPAL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Ahluwalia, Advocate with
Mr. Dev Ahlawat, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.14 dated 26.05.2025 registered under Sections 409, 420, 467, 468, 471 and 120-B IPC and Sections 13(2) and 13(1)(c) of Prevention of Corruption Act.

2. The present FIR came to be registered at the instance of Anti Corruption Bureau, Haryana and the same reads as under:-

> "*Complaint/ 27/Rohtak/2024 was received vide office of Director General, Anti Corruption Bureau, Haryana Panchkula's NO. 4032/ Complaint/ Rohtak/ 2024 dated 30.01.2024 and Superintendent of Police, Anti Corruption Bureau, Rohtak Division, Rohtak's letter NO. 489/ C.C/A.C. Bureau/ Rohtak dated 29.02.2024 for verification/ investigation. Above said complaint was given by Aman Pandey, Value Creature, Plot No. 37, Industrial Area, Bahadurgarh (Haryana) 124507 through registered post regarding wrong transfer of more than an amount of Rs. 01*

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crore as compensation of land acquisition in village Kasar Tehsil Bahadurgarh in account of Sunil by Sonu Patwari, Joginder Patwari and Kulwant Kanungo in collusion with each other.

2. During verification/investigation of above said complaint, the address given by complainant Aman Pandey, Value Creature, Plot No. 37, Industrial Area, Bahadurgarh (Haryana) 124507 was found to be wrong. In year 2003, the payment of which was made by office of District Revenue Officer Jhajjar. Thereafter land owners of village Kasar, Jakhonda and Sankhol had filed case in learned court of Sh. M.C. Mehra, Addl. District Judge, Jhajjar for enhancement of compensation, which was decided on 24.03.2009, on which land owners expressed dissent and filed RFA No. 3787 of 2011 in Hon'ble Punjab and Haryana High Court, Chandigarh titled Gaje Singh etc. Vs. State of Haryana for enhancement of compensation, which was decided by Hon'ble Punjab and Haryana High Court Chandigarh in favour of land owners on 06.11.2015. Thereafter HSIIDC Department Bahadurgarh prepared APR (Amount Paid Register) and sent the same to office of District Revenue Officer-cum-Land Acquisition Collector, Jhajjar. Thereafter office of District Revenue Officer cum Land Acquisition Collector, Jhajjar transferred the amount relating to land acquisition in account of land owners.

3. Rishipal, Harpal and Vijaypal Solanki son of Sh. Nayadar Singh Solanki son of Sh. Ami Lal resident of Dabri, New Delhi had filed case in learned court of Sh. M.C. Mehra, Addl. District Judge, Jhajjar vide LAC No. 305/2005/2008 and thereafter had filed RFA No. 3787 of 2011 titled Gaje Singh etc. Vs. State of Haryana in Hon'ble Punjab and Haryana High Court, Chandigarh. As per record, the original owners of land measuring 27 kanals 6 marlas comprised in Khewat No. 15, 16 and Killa No. 7/23/2, 7//24, 12/4/2, 4/1, 3 relating to LAC No. 305/2005/2008 were above said Rishipal, Harpal

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and Vijaypal. Rishipal and Harpal have told that they have got compensation relating to above said land acquisition twice but they have not got compensation third time till daste. APR (Amount Paid Register) relating to enhanced compensation amount of land acquisition were prepared in names of Rishipal, Harpal and Vijaypal aforesaid by HSIIDC department and thereafter Sonu Patwari, HSIIDC Bahadurgarh, in collusion with officials/officers of HSIIDC Department and office of Revenue Officer cum Land Acquisition Collector, Jhajjar, without any document, prepared APR (Amount Paid Register) in name of Sunil Kumar son of Raj Singh resident of village Chimni, Tehsil Beri, District Jhajjar, temporary address Flat No. 21, South Avenue, Near Teen Murti, New Delhi and got office of District Revenue Officer cum Land Acquisition Collector Jhajjar transferred Rs. 1,08,74,568 in account No. 917010077746892 of Sunil Kumar. In the above said episode, there is possibility of involvement of Sonu, the then Patwari HSIIDC Bahadurgarh and Sunil Kumar (private person) son of Raj Singh resident of village Chimni, Tehsil Beri District Jhajjar temporary address Flat No. 21, South Avenue, Near Teen Murti, New Delhi besides the officials/officers and other private persons (collusion). Therefore, in above said circumstances recommendation together with report was sent to Additional Director General of Police, Anti Corruption Bureau, Haryana, Panchkula vide letter No. 1342 dated 01.04.2025 for registration of case FIR under sections 409/419/420/467/468/471/120-B, IPC and 13(1)(c) r/w 13(2) of Prevention of Corruption Act against Sonu Patwari HSIIDC Bahadurgarh son of Raj Singh resident of Shiv Mandir Wali Gali, village Karor, Tehsil Sampla, District Rohtak and Sunil Kumar son of Raj Singh resident of village Chimni, Tehsil Beri District Jhajjar temporary address Flat No. 21, South Avenue, Near Teen Murti, New Delhi for embezzlement of Rs. 1,08,74,568/- in collusion with each

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other and by hatching a conspiracy by preparing false documents and by mis-using official position. The act of Sonu Patwari, HSIIDC Bahadurgarh, in mis-using the public money despite being a public servant, prima facie is a criminal act and it clearly does not come in legal sphere of authorized acts of Public servant. Therefore, permission of 17A as per SOP issued by State Govt. in year 2022 is not required. Permission has been received vide Additional Director General, Anti Corruption Bureau, Haryana, Panchkula's letter No. 7665/Complaint/27/Rohtak/2024 dated 01.05.2025 and Superintendent of Police, Anti Corruption Bureau, Rohtak Division, Rohtak's diary No. 1574 dated 03.05.2025 to register case FIR under sections 409/ 419/ 420/ 467/ 468/471/120-B, IPC and 13(1)(c) r/w 13(2) of Prevention of Corruption Act against Sonu Patwari HSIIDC Bahadurgarh son of Raj Singh resident of Shiv Mandir Wali Gali, village Karor, Tehsil Sampla, District Rohtak and Sunil Kumar son of Raj singh resident of village Chimni, Tehsil Beri District Jhajjar temporary address Flat No. 21, South Avenue, Near Teen Murti, New Delhi. After registering case FIR, higher officers be informed through telephone, e-mail and special reports be sent to Illaqa Magistrate. Further investigation in case shall be conducted and during investigation, on finding involvement/role/guilt of any Govt. official/officer or any private person, appropriate legal action be initiated against him. Sd/- Rohtash Inspector (Rohtash Kumar), Anti Corruption Bureau, Sub Centre Jhajjar."

3. During the course of investigation, on 09.06.2025, the relevant record with regard to land acquisition as done vide Award no.2 dated 08.10.2003 was obtained alongwith the details of the beneficiaries. Further, the record with regards to the priority list/demand of the HSIIDC was obtained and taken into possession.

4. On 24.06.2025, the named accused Sonu Patwari and Sunil

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were arrested upon receipt of appropriate incriminating evidence against them. On the basis of the inputs provided by Sonu Patwari, one Kulwant Singh, who was working as a Patwari with the DRO Office on Contract basis were arrested. The investigation revealed that Sonu and Kulwant Patwari had conspired to usurp the money belonging to the land owners being the enhancement amount.

5. On 26.06.2025 and 29.06.2025, in pursuance of their respective disclosure statements accused Kulwant and Sonu got recovered an amount of Rs.1.20 Lacs and Rs.1.40 Lacs respectively, which were taken into possession. Bank account details of accused Sunil were taken into possession and the analysis of the same revealed that Sunil had transferred an amount of Rs.60 Lacs to the account of Rohtash S/o Raj Singh and out of the said amount Rs.25 Lacs had been withdrawn in cash by Rohtash and Rs.35 lacs was found to have been transferred in the SBI account of the petitioner-Mainpal.

6. On 28.06.2025 Rohtash and Mainpal were joined in the investigation of the case. The petitioner conceded that he had received Rs.1 crore from Sunil and he had got opened two accounts in the name of Rohtash and had got transferred an amount of Rs.60 Lacs into the same and further had got transferred Rs.40 Lacs in the account of acquaintance of his friend Aditya Kwatra of Delhi and thereafter all this amount was received by him, Rs.35 Lacs had been transferred to the account of the petitioner.

7. On 29.06.2025, Navdeep S/o Baljeet, whose complicity had been disclosed by Sunil Kumar and Sonu, was arrested upon receipt of

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appropriate incriminating evidence against him. He was interrogated while being in custody and upon interrogation he conceded his involvement in the commission of the present crime. It transpired that Rs.1,08,00,000/- which was the enhancement amount had been deposited in the account of Sunil by Sonu Patwari and Navdeep. Navdeep was the son of the brother of the maternal Uncle of Sunil. It further transpired that Sonu and Navdeep had got opened the account in the name of Sunil with the AXIS Bank at Bahadurgarh and had got transferred an amount of Rs. 1,08,74,568/ on 12.01.2018 and the said amount had been gradually withdrawn in cash (Rs.6 Lacs) by Sunil and the cash had been handed over by him to Sonu Patwari (Rs.4 lacs) and Navdeep (Rs.2 lacs). He had also withdrawn another amount of Rs.2.75 Lacs which he had utilized himself. The remaining amount of Rs.1 Crore was got transferred by Sunil in the account of his friend Mainpal (petitioner). It transpired that Sunil had conspired with Mainpal and had planned to embezzle the amount of Rs.1 Crore instead of giving it to Navdeep and Sonu.

8. During the course of further investigation on 01.07.2025, Rs.1 Lac was got recovered by Sunil and Rs.70,000/- was got recovered by Navdeep. During the course of investigation, on 03.07.2025 statement of Rohtash aforesaid under Section 183 BNSS, 2023 was got recorded.

9. It has come on record during the course of investigation that the petitioner had an employee in the name of Rohtash and he got opened two different accounts in the name of Rohtash on 15.01.2018.

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He transferred an amount of Rs.5 Lacs in one of the said accounts and on 17.01.2018 he transferred an amount of Rs.25 lacs. Likewise on 13.01.2018, he had transferred an amount of Rs.5 lacs in the second account and on 15.01.2018 he had yet again transferred an amount of Rs.5 Lacs in the same account. On 16.01.2018 also he had transferred an amount of Rs.5 Lacs and on 17.01.2018 he had transferred Rs.15 Lacs. Hence an amount of Rs.60 Lacs had been transferred in the two accounts online. Rs.40 Lacs was transferred by the petitioner in the account of his friend Aditya Kwatra's acquaintance. Thereafter, the petitioner had withdrawn some amount in cash and Rs.35 Lacs had been transferred in the account of his wife Suman.

10. As per the investigation, the petitioner had purchased two flats from the proceeds of crime, which are vesting in the name of Suman, his wife. It has further come in investigation that Rohtash aforenamed had given an amount of Rs.25 lakhs in cash out of the tainted amount to the petitioner.

11. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The entire liability is being affixed upon him to shield other accused. During the pendency of the bail application before the Trial Court, an amount of Rs.20 lakhs came to be deposited by the petitioner. As the case is based on documentary evidence, the custodial interrogation of the petitioner is not required and therefore, he is entitled to the concession of anticipatory bail.

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12. A status report dated 16.09.2025 by way of an affidavit of Sombir Singh, HPS, Deputy Superintendent of Police, State Vigilance and Anti-Corruption Bureau, Rohtak has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that during the course of investigation it was revealed that the petitioner had opened two different accounts in the name of his employee Rohtash and had transferred Rs.60 lacs into said accounts vide the online mode. Rs.40 lacs was transferred by him in the account of his friend Aditya Kwatra's acquaintance. Rs.35 lacs had been transferred in the account of his wife Suman whereas some amount had been withdrawn in cash. The petitioner had acquired control of an amount of Rs.1 crore and has purchased two flats from the said amount in the name of his wife. He is the master mind of the entire act of embezzlement. To effect the recovery of documents etc. and to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is required. Further, in cases under the Prevention of Corruption Act pre-arrest bail would be in exceptional circumstances where apparently, the accused has been falsely implicated or the allegations are politically motivated and frivolous. Reliance is placed on the judgments in ***Devinder Kumar Bansal, 2025 SCC Online SC 488*** and ***Kewal Singh Vs. State of Punjab, 2025(2) Law Herald 1736***. He therefore contends that the petitioner is not entitled to the concession of anticipatory bail.

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

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14. 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***

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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.

15. In ***Devinder Kumar Bansal***(supra), 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

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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

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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)

16. In ***Kewal Singh*** (supra), 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*

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> *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)

17. In the instant case, it transpired during the course of the investigation that the petitioner had transferred Rs.60 lacs into the accounts of his employee Rohtash which accounts had been got opened by the petitioner. Rs.40 lakhs were transferred in the account of his friend Aditya Kwatra acquaintance whereas Rs.35 lakhs had been transferred in the account of his wife. The embezzled amount has been utilized to purchase properties in the name of his wife. Apparently, the offences stand *prima facie* established and the petitioner is the prime accused, his custodial interrogation is required to effect the recovery of various documents of the properties purchased and to ascertain the entire modus operandi of the petitioner including the role played by other accused as the investigation is ongoing. Even otherwise, there are no exceptional circumstances warranting the grant of anticipatory bail to

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the petitioner as the offence is one under the Prevention of Corruption Act.

18. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

19. 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

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

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