IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220/4

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CRM-M No.49791 of 2025
Date of decision : 22.12.2025
Date of uploading : 23.12.2025

Shyam Sunder …………Petitioner

Versus

State of Haryana …….Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rakesh Sobti, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

<u>SUMEET GOEL, J. (ORAL)</u>

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.5 dated 24.1.2025 under Sections 7, 13(1)(a) read with Section 13(2) of Prevention of Corruption Act, 1988, Sections 61, 61(2), 316(2), 316(5), 318(2), 318(4), 336(3), 338 and 340(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 43, 66-C of Information Technology Act, 2000, registered at Police Station ACB Faridabad, District Anti-Corruption Bureau, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

> *'To Station House Officer, Anti-Corruption Bureau, Faridabad. Memo No. A4-4-2025/2707 dated 23.01.2025 was received in the office of ADGP,*

ACB, Haryana from DG Development and Panchayat Department, Haryana with a request for a registration of FIR and further legal action regarding financial embezzlement. The said Memo was sent vide e-mail to the office of ACB, Faridabad on 24.01.2025 for registration of a case and further investigation. The contents of the Memo are reproduced here. "From Director General, Development Panchayats Department, Haryana, Chandigarh. To Additional Director General of Police, Anti-Corruption Bureau, Haryana, Panchkula. Memo No. AA-4-2025/2707, Dated: 23/01/2025. Subject: Request for Registration of FIR and Further Legal Action Regarding Financial Embezzlement. Please find enclosed a copy of letter dated 21.01.2025 submitted by Sh. Aruri Kumar, Chief Account Officer, Development 0/0 Development and Panchayats, Department Haryana at Chandigarh, copy of D.O. letter No. FAW/Central Audit/2024-25/200 dated 16.12.2024 and D.O. letter No. FAW/2023-24/2024-25/1374 dated 16.01.2025 received from Principal Accountant General (Audit) Harvana herein a serious case of financial embezzlement and unauthorized budget allocation of more than 50 Crores has been observed. Based on preliminary verification and the available evidence, it has come to light that substantial funds/budget were allocated to DDPO Palwal in financial year 2023-24 and 2024-25 from the login ID of Chief Accounts Officer, Development, at Headquarters on website of Finance Department without proper authorization or sanction. Furthermore, as pointed out by Principal Accountant General (Audit) in the above referred D.O. letter, a significant amount of these funds has been siphoned by the BDPO, Hassanpur Office, District Palwal, through repeated payments made to a particular private firm namely M/s Deepak Manpower Service/Deepak Kumar and Other payees. It is pertinent to mention here that, as informed by CAO of this office, Budget Controlling Authority i.e. CAO in this case, allots budget to Budget Controlling Officer ie. DDPO, Palwal in this case, for further allocation of Budget as per demand received from the respective DDOs under their control. In present case after going through the dashboard of Finance Department it has been noticed that by mentioning sanction order number as SPL-10, SPL10, SPL, 10 etc. budget was allotted to DDPO Palwal which are fake, because no record regarding demand received from concerned DDPO or sanction order from the concerned branch is available regarding these transactions. Subsequently, frivolous bills were generated by BDPO

Hassanpur office to transfer these funds to a specific private firm namely M/s Deepak Manpower Service/Deepak Kumar and Other payees. The following observations substantiate the prima facie case of financial embezzlement:

1. Unauthorized allocation of funds from the Accounts Branch (HQ) without requisite approval from the Head of Department.

2. Alleged misuse of official computer IDs and passwords to facilitate illegal fund transfers.

3. Significant irregularities in fund utilization (as highlighted by the letter of Deputy Commissioner, Palwal and the DO letter received from the PAG(Audit), Haryana) at the Block Development and Panchayat Office, Hassanpur, District Palwal, where payments were made to a specific private firm under questionable circumstances.

Give the gravity of the matter and the involvement of substantial public funds it is requested that

1. An FIR be registered against the officials/ individuals/firms involved in the unauthorized allocation and misappropriation of funds.

2. A thorough investigation be conducted to identify all individuals and entities complicit in the financial embezzlement.

3. Legal action be initiated against guilty parties as per relevant laws and sections. Enclosure as above., Sd/ Superintendent (Admin), For DG Development and Panchayats Department, Haryana (Chandigarh)" Further the enclosures received along with the complaint from the office of DG, Development and Panchayats Department, Haryana (Chandigarh) reveal the complicity of Rakesh, Clerk office of BDPO, Hassanpur, District Palwal etc. in connivance with Deepak Kumar proprietor of Deepak Manpower Services in siphoning out the funds of Panchayat Department. Since the above facts prima facie disclose the commission of offences u/s 7, 13(1)(a) r/w 13(2) of the PC Act, 1988 (as amended in 2018) and under Sections 61(2), 316(2), 316(5), 318, 318(4), 336(3), 338 under the B.N.S. (Bhartiya Nyaya Sahinta) and under Section 43 of the IT Act, 2000 r/w Section 66-C of the IT Act, 2000 against Rakesh, Clerk, BDPO Office, Hassanpur, District Palwal and Deepak Kumar proprietor of Deepak Manpower Services and other unknown public servants of the offices of BDPO Hassanpur, DDPO Palwal, Director Development and Panchayat Haryana and private persons, it is requested that an FIR be registered, and investigation conducted as per law. (Satya Pal), HPS Dy.

Superintendent of Police, Anti-Corruption Bureau, Faridabad Range, Faridabad.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.7.2025. Learned counsel has further submitted that the prime allegations for committing the offence(s) in question is against one Rakesh and the prime allegations against the petitioner is that the money embezzled came into his account later on. Learned counsel has further submitted that the said co-accused Rakesh has already been extended the concession of regular bail by this Court. Learned counsel has further submitted that the investigation *qua* the FIR already stands complete. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 19.12.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 25.7.2025 wherein after investigation was carried out and challan stands presented on 8.8.2025. It is not in dispute before this Court that total 57 prosecution witnesses have been cited, out of which none has been examined till date. It is, thus, indubitable that conclusion of the trial will take its own time. The rival

contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 19.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 24 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

(i) The petitioner shall not mis-use the liberty granted.
(ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
(iii) The petitioner shall not absent himself on any date before the trial.
(iv) The petitioner shall not commit any offence while on bail.
(v) The petitioner shall deposit his passport, if any, with the trial Court.
(vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

22.12.2025
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No