

CRM-M-50660-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(218)

CRM-M-50660-2025 (O & M)
Date of Decision:23.09.2025

Sarajudeen

..... Petitioner

V/s

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.31 dated 21.08.2025 under Section 7 of the PC Act registered at Police Station ACB, Hisar, District Hisar.

2. The brief facts of the case are that a complaint was received for analysis with a silver-colored HP 16GB pen drive, as per diary number 2368 dated 18.06.2025 and letter number 3466/comp./187/DACB/HSR/2025 dated 21.06.2025 from the office of the Superintendent of Police, State Vigilance and Anti-Corruption Bureau, Hisar. During verification, an audio recording of 22 minutes and 8 seconds stored in the HP 16GB pen drive was examined. The complainant-Kanchan Rani, wife of Ravi Kumar, resident of House No. 298, Surajmal Enclave, Hisar, was joined in the verification

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process. She submitted a handwritten statement along with a six-page transcript of the audio recording. According to the complaint and the statement a case FIR No. 24 dated 15.01.2025 under Sections 318(4) and 316(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 was registered in PS Urban Estate, Hisar against her husband Ravi Kumar, son of Mohar Singh, resident of the same address. On 08.06.2025, ASI Sarajudin Khan from Police Station Urban Estate, Hisar, allegedly took Ravi Kumar from his residence. On 10.06.2025, when Kanchan Rani met ASI Sarajudin Khan at the police station, he allegedly demanded Rs.2,50,000 in exchange for not documenting any recovery on paper and for ensuring her husband's early acquittal. Upon reviewing the audio recording and transcript, it was found that ASI Sarajudin Khan discussed accepting money and manipulating case records to benefit the accused. Based on the complaint, the statement, and the audio evidence, a case was recommended for registration against ASI Sarajudin Khan. The verification report was forwarded to the Additional Director General of Police, Anti-Corruption Bureau (HB), Panchkula via letter No. 4327/A.N. Bureau/Hisar dated 23.07.2025. Approval to register a case under Section 7 of the Prevention of Corruption Act, 1988 was received through letter No. 15587/Complaint/ 389/Hisar/2025 dated 07.08.2025 upon which case FIR No. 31 dated 21.08.2025 the present case against ASI Sarajudin Khan under Section 7 of the Prevention of Corruption Act, 1988 was registered in PS SV & ACB, Hisar.

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3. During the course of investigation on 23.08.2025, the statement of complainant Kanchan Rani was recorded under Section 180 of the B.N.S.S. On the same day, her statement under Section 183 B.N.S.S. was recorded by the Court of JMIC, Hisar. On 25.08.2025, Kanchan Rani was produced before the CJM for consent to provide her voice sample, which she agreed to.

4. On 05.09.2025, complainant Kanchan Rani produced an OPPO Reno 12 SG mobile phone (silver) used to record the audio on 10.06.2025, and the HP 16GB pen drive containing the recording. She also submitted a certificate and hash value under Section 63(4) of the BSA Act, 2023.

5. During the course of investigation, it was found that FIR No. 24/2025 was originally registered based on a complaint by Satish Kumar, son of Shishpal, resident of Bhojraj, Hisar, and employee of Galaxy Financial Services. The case involved non-payment of a Rs.14,06,580/- loan taken against vehicle HR33H6689 by Ravi Kumar, husband of the complainant. ASI Sarajudin was the investigating officer and had arrested Ravi Kumar on 08.06.2025. During remand on 10.06.2025, the alleged bribe conversation occurred, the transcript of which confirms that ASI Sarajudin demanded Rs.2,50,000/- in exchange for favourable treatment in the case.

6. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, an FIR No.24 dated 15.01.2025 under Sections 318(4) and 316(2) of BNS, 2023, Police Station Urban Estate, Hisar was registered against the husband of the complainant and the petitioner was the investigating officer of the said case.

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Accused-Ravi Kumar, the husband of the complainant-Kanchan Rani was arrested on 08.06.2025 and at that time, the relatives of Ravi Kumar had obstructed the police proceedings. When the accused-Ravi Kumar was produced before the Illaqa Magistrate for remand, the complainant moved an application falsely alleging that her husband was assaulted in her presence. Later, when an attempt was made by the complainant and her sister-in-law to record police proceedings, their devices were confiscated and written apologies were furnished by them. Subsequently, the present FIR has been registered with a false and fabricated story based on an alleged recorded conversation between the complainant and the petitioner where the petitioner is allegedly demanding illegal gratification. Taking the allegations to be correct, no money has actually been accepted by the petitioner. The evidentiary value of the audio recordings would be a matter of adjudication during the course of the Trial. As the petitioner is ready and willing to join the investigation and provide his voice samples, he is entitled to the concession of anticipatory bail.

7. The learned counsel for the State, on the other hand, has filed a reply dated 17.09.2025 which is taken on record. While referring to the said reply, he contends that the petitioner was the investigating officer of the case registered against the husband of the complainant. In order to not effect necessary recoveries and for ensuring the earlier acquittal of her husband, the petitioner demanded an amount of Rs.2,50,000/- as is evident from the transcript (Annexure-II) attached to the reply. Since the offence stands *prima facie* established and the investigation is to be taken to its logical



conclusion, the custodial interrogation of the petitioner is certainly required and therefore, the present petition is liable to be dismissed.

8. In have heard the learned counsel for the parties.

9. The Hon'ble Supreme Court in the case of '**Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977**', has 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***



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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 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.”

10. 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 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



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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 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)

11. 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 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)



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12. Admittedly, the petitioner was the investigating officer in the case against the husband of the complainant. The transcript (Annexure R-II) would *prima facie* establish that the petitioner was demanding illegal gratification so as not to investigate the case in a proper manner which would lead to the early acquittal of the accused. Merely because no amount was accepted by him does not lessen the gravity of the offence. There is nothing to suggest that the petitioner has been falsely implicated on account of oblique political motive or that the allegations levelled against him are completely baseless. In fact, the offence stands *prima facie* established and for the investigation to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

13. In view of the above discussion, I do not find any merit in the present petition and the same stands dismissed.

14. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

15. The pending application(s), if any, shall stand disposed of accordingly.

September 23, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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