



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

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CRM-M No.65706 of 2025

Date of decision : 22.12.2025

Date of uploading : 23.12.2025

Iqbal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. APS Mann, Advocate and
Mr. Navjot Singh Sidhu, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

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.108 dated 24.7.2021 under Sections 7, 13 of Prevention of Corruption Act, 1988, (Sections 420, 467, 468, 471 and 201 of IPC added later on), registered at Police Station Bahin, District Palwal.

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

'From: Block Development and Panchayat Officer, Hathin, To: Station House Officer, Bahin, Letter No.: 290, Dated: 02.06.2021 Subject: Regarding registration of criminal case against Mr. Iqbal and Mrs. Vanisha, former Sarpanches of Village Khaika, and the Gram Secretaries involved in embezzlement. Sir, In reference to the above subject, it is



hereby submitted for your kind consideration that as per the letter received from the office of the Deputy Commissioner, Palwal, vide Letter No. 1161/P dated 02.06.2021, it is requested that an FIR be registered against Mr. Iqbal and Mrs. Vanisha, former Sarpanches of Gram Panchayat Khaika, and Gram Secretaries Surender, Alok, and Dinesh, who are involved in the embezzlement that took place in the Gram Panchayat Khaika. Sd/- (Amit Kumar) Block Development and Panchayat Officer, Hathin. A copy of this letter is forwarded for kind information to the worthy Deputy Commissioner, Palwal. To The Hon'ble Deputy Commissioner, Palwal, Letter No.: 16640, Dated: 05.03.2021, Subject: Regarding inquiry into the corruption committed in developmental works by dismissed Sarpanch Mr. Iqbal, Gram Panchayat Khaika, Hathin, as per the orders of the Hon'ble High Court, Haryana, Chandigarh. Sir, In reference to the above subject and in compliance with the orders of the Hon'ble High Court, Chandigarh, in CWP No. 36458 of 2019 (O&M) dated 04.03.2020, and with reference to your office letter No. 6745/P dated 19.02.2021, it is submitted that in compliance with the directions of the Hon'ble High Court, the undersigned, vide this office letter No. 3382/84 dated 21.05.2020, constituted a Joint Inquiry Committee comprising the Executive Engineer, Panchayati Raj, Palwal, the Fixecutive Engineer (PWD B&R), and the Block Development and Panchayat Officer, Badoli, to inquire into the complaint regarding corruption in developmental works carried out by the dismissed Sarpanch Mr. Iqbal, Gram Panchayat Khaika, Hathin. As per office letter No. 10329/32 dated 02.02.2021, Mr. Raghunandan Sharma, Accountant, O/o District Development and Panchayat Officer, Palwal, was included as a member of the said committee. According to the report received from the Joint Inquiry Committee vide Letter No. 7043/90 dated 05.03.2021, it was stated that the Sarpanch, Gram Panchayat Khaika, and the present Gram Secretary Mr. Vinod Kumar, as well as the former Gram Secretary Mr. Dinesh Kumar, were directed to submit the records from the year 2018 till date for examination. It has been reported that the present Gram Secretary stated that there are no records available for the period of his tenure. The Sarpanch Mrs. Vanisha, in her written report, stated that she had handed over the records to Mr. Dinesh Kumar, former Gram Secretary. However, Mr. Dinesh Kumar, former Gram Secretary, in his report stated that despite repeated instructions, the Sarpanch did not submit the records of



Gram Panchayat Khaika from 2018 till date to the Block Office. Hence, it is evident that the records are either with the Sarpanch or with Gram Secretary Dinesh Kumar. The Joint Inquiry Committee has recommended initiation of action against the Sarpanch and Gram Secretary Dinesh Kumar. As per the bank statement of Gram Panchayat Khaika obtained by the Joint Inquiry Committee, the total amount withdrawn from the bank account for development works (excluding honorarium and salary of tube well operator, etc.) during the period from March 2016 to December 2020 is as follows: FFC: 21,16,96,481/- ODW/HRDF: 21,27,95,192/- Total: 22,44,91,673/- As per the evaluation by the technical officers, the total assessed value of the works executed amounts to 259,57,117/-. Therefore, the remaining amount of 22,44,91,673-₹59,57,117 21,85,34,556/-has been shown as embezzled during the entire tenure of the Gram Panchayat Khaika. The report received from the Joint Inquiry Committee, along with recommendations, is hereby forwarded to you for further necessary action. Sd/- Additional Deputy Commissioner, Palwal. At the Police Station: The above application, Letter No. 290 dated 02.06.2021, regarding the aforesaid offence, was received at the police station. Accordingly, Case No. 108 dated 24.07.2021 under Sections 409 and 120-B of the IPC and Sections 7 and 13 of the PC. Act has been registered. The copies of the FIR have been prepared through the computer system, and the special report is being sent through Special Constable Yogesh No. 1175 to the area Magistrate and senior officers. A copy of the same is placed in the police file along with the relevant documents. As I, ASI, am not a competent officer to investigate this case, the case file is being forwarded to the competent Investigating Officer for investigation.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 9.6.2025. Learned counsel has further submitted that the FIR was registered in the year 2021 whereas the petitioner came to be arrested on 9.6.2025. Learned counsel has further asserted that the petitioner was never ever absconding during this period. Learned counsel has further submitted that the prosecution version is primarily based upon documentary evidence and there is no chance of the petitioner tampering



with the same. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. 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 9.6.2025 wherein after investigation was carried out and challan stands presented on 3.9.2025. It is not in dispute before this Court that total 44 prosecution witnesses have been cited, but 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.

6.1 As per custody certificate dated 19.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 11 days. As per the said custody certificate, the



petitioner is stated to be involved in one more FIR registered under the provisions of BNS. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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
Ashwanii

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