

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

2025.PHHC.162616



(106)

CRM-M-65996-2025

Rajender Kumar

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

Decided on : 21.11.2025

Date of uploading: 21.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Narender Kaajla, Advocate for the petitioners.

Mr. Tarun Aggarwal, Addl.AG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.605 dated 12.09.2024, registered for the offences punishable under Sections 406, 420, 467, 468 & 471 of IPC at Police Station Azad Nagar, District Hisar.

2. The gravamen of the FIR in question is that on 01.12.2023 a complaint was received from Deputy Director, Industrial Safety and Health, Hisar, in the office of the Superintendent of Police, Hisar regarding the use of forged documents to obtain benefits under various Government welfare schemes. In the said complaint, the complainant has alleged that, the welfare schemes are being implemented by the Building & Other Construction Workers Welfare Board, Haryana (BOCW Board), and instances of misuse have come to light wherein forged documents were used to fraudulently

claim benefits. The complainant has further stated that it was noticed by the

department that applications were being filed before the Board to secure financial assistance on account of the alleged death of certain individuals, and on the strength of forged death certificates, an amount of ₹2,15,000/- was fraudulently obtained. It further came to notice that some agents and certain CSC operators were involved in receiving such assistance amounts. On the basis of the said complaint, a formal FIR was registered. During the course of investigation, statements of witnesses as well as some beneficiaries/victims were recorded. The allegation against the petitioner is that he contacted various individuals, prepared forged death certificates, obtained their bank account details and ensured that the welfare assistance amount was deposited in those accounts, and thereafter withdrew the said amounts.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. It is contended that the allegations levelled in the complaint are not supported by any documentary evidence. Learned counsel has further argued that there is an inordinate and unexplained delay both in the lodging of the FIR and in the subsequent investigation. It is further submitted that there is not even an iota of direct or indirect evidence to establish the petitioner's involvement in the alleged offence. Counsel has also argued that no specific role has been attributed to the petitioner and that the allegations against him are vague, general in nature. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Furthermore, the petitioner has no connection whatsoever with the alleged offence. It has been further iterated that no specific role whatsoever has been attributed to the petitioners.

According to learned counsel, in the absence of substantive and incomplete

material, the entire prosecution narrative is nothing but an abuse of process. Lastly, it has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from them. Moreover, there is no likelihood of the petitioner absconding from the process of justice. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. Conversely, learned State counsel has opposed the grant of anticipatory bail to the petitioner by submitting that the offence attributed to the petitioner is grave and serious in nature. It is contended that the petitioner was earlier working at the CSC Centre, and during the investigation, his name has been specifically disclosed by the beneficiaries/victims in whose bank accounts the welfare assistance amounts were deposited and subsequently withdrawn by the petitioner. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioner is imperative for a fair and thorough investigation. He has further emphasized that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioners. The FIR in question was lodged on the basis of a complaint filed on behalf of the Deputy Director, Industrial Safety and Health Department, Hisar. The allegations against the petitioner are serious in nature, involving cheating the

general public. It is a serious matter involving multiple victims who may not even be aware of the acts committed in their names. The petitioner's alleged role in facilitating the transfer of funds, forging death certificates, withdrawing the amounts, and his connection with any CSC Centre or the Board can be effectively ascertained only through custodial interrogation. Crucial evidence such as recovery of the mobile phone, call detail records, exchange of messages etc. can be secured only when the petitioner is interrogated in custody. Considering the gravity of the allegations, which directly impact the implementation of welfare schemes meant for the needy persons of society, and in order to prevent further misuse and to preserve public confidence in the system, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusation of the petitioners. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under : (SCC p.189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual milieu of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for an effective investigation & to unravel the truth.

9. In view of the prevenient ratiocination, it is directed as under:
- (i) The petition in hand is dismissed being devoid of merits.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 21, 2025
Naveen

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