



CRM-M-5923-2026

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

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CRM-M-5923-2026

Suresh Kumar

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 10.03.2026**Date of Uploading : 11.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Samay Singh Sandhawalia, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail in case bearing FIR No.06 dated 31.01.2024, registered for the offences punishable under Sections 409, 420, 120-B of IPC and Sections 7, 8, 12, 13 of Prevention of Corruption Act at Police Station ACB, Ambala.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed on 12.01.2026 by a detailed order.

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 31.01.2026.



2. The gravamen of the FIR in question reflects that the present case arises out of a complaint submitted by Inspector Parkash Chand of Police Station Anti-Corruption Bureau, who was a member of the Special Investigation Team which was constituted to investigate FIR No.21 dated 13.05.2023 registered under Sections 409, 420, 120-B, 467, 468, 471 IPC and Sections 7, 8 and 13 of the Prevention of Corruption Act at Police Station ACB, Gurugram. During the course of investigation of the said FIR and connected FIR(s), it surfaced that accused Stalian Jit son of Harbail Singh had paid bribes to accused Jitender Kaushik, who was posted as General Manager, ICDP, Kaithal, for securing government works relating to ICDP and cooperative department projects. The investigation revealed that Jitender Kaushik had demanded and received bribe from Stalian Jit on multiple occasions. The WhatsApp chats recovered from the mobile phone of Stalian Jit and bank transaction details had established that Jitender Kaushik had shared details of various bank accounts with Stalian Jit for receiving illegal gratification. The investigation had further revealed that amounts were transferred from the accounts of companies controlled by Stalian Jit i.e. Loadlink Systems Pvt. Ltd., Fresh Khata Ltd. and Laybay India Ltd., into the bank accounts of various ICDP employees, including the present petitioner. Certain amount was allegedly transferred into the bank account of the accused - petitioner during the relevant period. The petitioner was posted as Accountant in ICDP, Kaithal and was also a member of the Project Implementation Team (PIT). It has been further alleged that the signatures of the petitioner appear on various documents including quotations, vouchers and bills relating to ICDP projects. Furthermore, the



material collected during investigation shows that government works to the tune of Rs.1.89 crore were allotted to the companies of Stalian Jit without following due tender process and sub-standard material was supplied, while bills were raised for standard quality material. Expert reports and official records seized during investigation indicate serious discrepancies between the billed material and the material actually supplied. It has also emerged that large-scale misappropriation of government funds was committed in connivance with public servants. The prosecution has specifically alleged that the petitioner facilitated the conspiracy by signing documents and receiving illegal funds. On these set of allegations, the instant FIR was got registered.

3. Learned counsel for the petitioner has iterated that the allegations contained in the impugned FIR are vague, baseless and devoid of any substantive material. Learned counsel has further iterated that the petitioner has been falsely implicated into the present FIR as the same has been registered after a delay of more than two years. Learned counsel has further iterated that the name of the petitioner does not find mentioned in the FIR and no specific role has been attributed to him. It has been further contended that the petitioner was working merely as an Accountant in ICDP, Kaithal and his duties were limited to maintaining accounts and processing documents in the ordinary course of his official duties. According to learned counsel, the petitioner has no role in the alleged allotment of works or in the decision-making process relating to the award of contracts. Learned counsel has emphasized that the prosecution has



bank account of the petitioner but in fact only an amount of Rs.50,000/- was transferred into the account of the petitioner. According to the learned counsel, the said amount cannot by itself be treated as illegal gratification and the same requires proper investigation and verification. Learned counsel has drawn the attention of this Court to orders whereby certain co-accused, similarly placed and against whom identical allegations were made, have already been granted the concession of anticipatory bail by this Court vide orders Annexures P-2 (colly). It has, thus, been submitted that the petitioner deserves the same relief on the ground of parity. Moreover, the main accused i.e. Jitender Kaushik has also been granted the concession of regular bail. It has been further contended that the petitioner is willing to join the investigation as and when require, shall not tamper with evidence or influence any witness and shall abide by all the condition(s) imposed by the Court in case he is enlarged on pre-arrest bail. Moreover, the necessary recovery, if any, has already been effected and therefore, the custodial interrogation of the petitioner is not required. On strength of the aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the earlier petition was dismissed by this Court by a detailed order on 12.01.2026 and neither any prayer was made nor was any liberty granted to the petitioner to file afresh.



Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, opposing the plea in hand on merits, submits that the offence committed by the petitioner is serious in nature. She has submitted that the allegations against the petitioner are serious in nature and pertain to a well-planned conspiracy involving corruption and misappropriation of government funds. It is submitted that during the course of investigation it has surfaced that accused Stalian Jit has paid illegal gratification to various public servants in order to secure government works relating to ICDP and the Cooperative Department. The investigation has further revealed that the co-accused Jitender Kaushik, who was posted as General Manager, ICDP, Kaithal, has shared bank account details of different ICDP officials for receiving illegal gratification and amounts were accordingly transferred from the accounts of companies controlled by Stalian Jit to the bank accounts of various employees, including the present petitioner. Furthermore, the petitioner was posted as Accountant in ICDP, Kaithal and was also a member of the Project Implementation Team (PIT). The investigation has revealed that government works to the tune of approximately Rs.1.89 crore were allotted to the companies of Stalian Jit without following the prescribed tender procedure and sub-standard material was supplied while bills were raised for standard quality material. Expert reports and official records seized during investigation indicate discrepancies between the material billed and the material actually supplied. It is further submitted that the role of the petitioner is not limited merely to receipt of money but he has actively facilitated the alleged conspiracy by processing and signing financial



documents connected with the projects in question. With regard to the contention of the petitioner that only Rs.50,000/- was transferred into his bank account instead of Rs.7,50,000/-, learned State counsel submits that such a plea does not dilute the gravity of the allegations in any manner, particularly when the petitioner is alleged to be a part of a larger conspiracy involving misappropriation of public funds. 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. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

“11. As an epilogue to the above rumination, the following principles emerge:

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly,



this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed by this Bench on 12.01.2026 after considering the material placed on record and no substantial change in circumstances has been shown since the dismissal of the earlier petition by this Court on 12.01.2026. Thereafter, in the instant petition i.e. second petition (for grant of anticipatory bail), the petitioner has reiterated the grounds previously taken (at the time of rejection of the first petition on 12.01.2026). It is well settled that a successive petition for anticipatory bail would be maintainable only if there is a substantial change in circumstances or if new grounds have arisen after the dismissal of the earlier petition. In the present case, learned counsel for the petitioner has not been able to point out any such material change in circumstances which would justify reconsideration of the matter. The argument raised on behalf of the petitioner that only a sum of Rs.50,000/- was transferred into his bank



account instead of Rs.7,50,000/-, as alleged by the prosecution, also does not persuade this Court to take a different view at this stage. Even if the said contention is assumed to be correct, the same, by itself, does not dilute the seriousness of the allegations, particularly in view of the prosecution case that the petitioner was part of a larger conspiracy relating to irregular allotment of government works and misappropriation of public funds.

8. The plea of parity with co-accused, who has been granted the concession of anticipatory bail, also does not advance the case of the petitioner as the rule of parity is not to be applied in a mechanical manner. In the considered opinion of this Court, the role attributed to each accused and other attending circumstances are required to be considered while deciding the plea for grant of bail. It is a trite law that the grant of bail to a co-accused does not automatically entitle another accused to the same relief. The petitioner was an Accountant at the relevant time and the State is seeking custodial interrogation of the petitioner whereas in the case of co-accused the custodial interrogation of the petitioner (therein) was not sought for by the State. Further, the stand of the State, as reflected in reply dated 16.02.2026, reflects thus:

“7. That the contention of petitioner that he was holding small post in ICDP Project and he had no authority regarding the said tender is baseless. It is respectfully submitted that as per order/guidelines dated 21.11.2014 of Registrar, Co-operative Societies, Haryana being accountant, it was duty of petitioner for maintenance of file, cash book, voucher etc. It is submitted that petitioner had prepared voucher etc. on basis of which the bills of the firm of co-accused Stalianjit were passed. The copy of guidelines/order dated 21.11.2014 of Registrar, Co-operative Societies, Haryana is attached herewith as Annexure R-2 for kind perusal of this Hon’ble Court.”



8.1. Furthermore, the prolonged evasion of the petitioner from the process of law weighs heavily against the exercise of discretion in his favour under the provisions governing anticipatory bail. It is apt to mention herein that the first petition was dismissed on 12.01.2026. It is evident that till now the petitioner has deliberately evaded the process of law for over 02 months. The conduct of the petitioner in avoiding arrest for such a prolonged period without any reasonable cause must be considered while adjudicating this second petition. The process of justice is meant to treat every individual in a manner which is equitable and fairly. However; if the petitioner-accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating lawful proceedings/investigation, it tantamount to an abuse of the process of justice. While liberty and dignity of an individual must be held high, however, no one can be permitted to subvert and cause devolution in the process of justice. Protracted absence, eluding the process of law and abrupt repetition of pleas for pre-arrest bail, in absence of convincing reason(s) is certainly not an act/behaviour which calls for sympathy/indulgence of the Court. The hiatus of more than 02 months on part of the petitioner (herein) is inexplicable *nay* contumacious. Therefore, the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles him for grant of anticipatory bail.

9. No fresh substantial change in circumstances has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. All the grounds urged by the



petitioner in the present petition have already been considered & decided and view thereupon has been taken vide judgment dated 12.01.2026. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The petition in hand is devoid of merits and is hereby dismissed.
 - (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
 - (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 10, 2026
Ajay

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