

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

CRM-M-14143-2026 (O&M)

Date of decision: 25.03.2026

NEERAJ CHAUHAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Mayank Aggarwal, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.61 dated 17.02.2026 registered under Sections 318(4), 338, 336(3), 340(2) and 61(2) of BNS, 2023 at Police Station City Bhiwani, District Bhiwani.

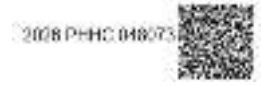
2. Brief facts of the prosecution case are that several landowners, in collusion with employees of the Municipal Council, tampered with documents and changed the category of the property ID, thereby showing an unauthorised area as authorized and fraudulently obtained an NDS (No Dues Certificate) and got the sale deed registered in an unauthorised manner. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has no connection with



the alleged offence. He submits that the main accused is Rajbala, as she had produced forged jamabandi and a false affidavit, on the basis of which she got her name entered in the land records. He further submits that, even if the prosecution version is taken to be true, the only allegation against the petitioner is that, he being a clerk in the office of the Municipal Council, Bhiwani, updated the records without physically verifying the property ID. He further submits that there is no allegation of any wrongful gain to the petitioner or any wrongful loss to the exchequer. It is contended that there is no dereliction of duty on the part of the petitioner in performing his official functions, as the standard operating procedure issued by the Directorate of Urban Local Bodies, Panchkula, Haryana, does not mandate physical verification of the property for updating records. He further submits that the entire case is based on documentary evidence, which is already in the custody of the complainant or the Investigating Agency; therefore, nothing remains to be recovered from the petitioner. He further submits that custodial interrogation of the petitioner is neither warranted nor necessary in the facts and circumstances of the present case. The petitioner is ready and willing to join the investigation as and when required by the Investigating Agency. Hence, he prays that the present petition be allowed.

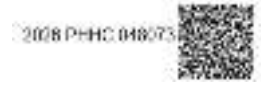
4. Per contra, learned State counsel has filed a status report in the matter, which is taken on record. She has vehemently opposed the prayer for grant of bail, submitting that the offence allegedly committed by the petitioner is serious in nature. Placing reliance upon Annexure R-1, i.e., the Standard Operating Procedure for “Correction in Property Status-Authorised/Unauthorised,” she submits that the petitioner was serving in the



capacity of a 'Maker' in the Municipal Council, Bhiwani. As per the said procedure, it was his responsibility to examine the documents uploaded by the applicant and acknowledge the same. Thereafter, if the property fell within an authorised area, he was required to recommend updation of the property status accordingly. She further submits that, in order to ascertain the location and status of the property, the petitioner was required to conduct a site visit and upload the report within two days. In case any discrepancy was observed in the documents, the case was to be reverted to the applicant with a clear description of the observations for compliance. Thereafter, the role of the 'Checker' would commence, who, upon the recommendation of the 'Maker,' was required to scrutinize the documents submitted by the owner along with the requisite records. In case of any dissatisfaction, the 'Checker' could revert the matter back to the 'Maker,' who was then obliged to respond to the queries so raised. She submits that the investigation is still at a nascent stage and that custodial interrogation of the petitioner is necessary to ascertain the modus operandi and the larger conspiracy involved. She further submits that all the accused persons in the present case are yet to be arrested and that the relevant record from the Municipal Council, Bhiwani, is yet to be collected. Accordingly, she prays that the present petition be dismissed.

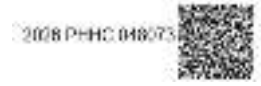
5. Heard.

6. The allegations levelled in the present case are serious in nature and pertain to manipulation of official records, whereby unauthorised property was shown as authorised, facilitating fraudulent transactions including issuance of NDS and registration of sale deeds. At this stage, the



plea of the petitioner that he merely updated the record without physical verification cannot be accepted. From the Standard Operating Procedure placed on record, it prima facie emerges that the petitioner, while functioning as a 'Maker', was under a bounden duty to scrutinize the documents, verify the status and location of the property, and ensure the correctness of the entries before recommending any updation. His failure to undertake due diligence, particularly where such verification formed an integral part of the process, indicates a clear dereliction of official duty. Such omission cannot be treated as a mere inadvertent lapse, especially when it has the effect of conferring undue benefit upon private individuals and undermining the integrity of public records. Furthermore, the investigation is still at a nascent stage. The allegations disclose the possibility of a larger conspiracy involving multiple persons, including other officials of the Municipal Council. The role of the petitioner cannot be examined in isolation at this stage, and custodial interrogation appears necessary to unearth the modus operandi, trace the chain of events, and identify other persons involved. The fact that relevant records are yet to be collected and other accused persons are yet to be apprehended also weighs against the grant of anticipatory bail.

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 would be apposite

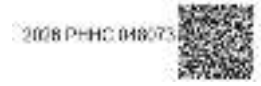


to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, the Supreme Court held as under: (SCC p.386, para 19)*



"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty".

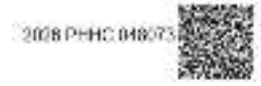
Economic Offences

*78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in economic offences, the accuse is not entitled to anticipatory bail.*

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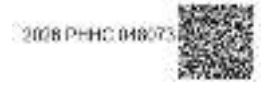
83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail".

9. Recently in **Srikant Upadhyay and Others v. State of Bihar and Another, (2024) SCC Online SC 282** a very pertinent observations have been made by the hon'ble Supreme Court with regard to the powers of the Court to grant anticipatory bail under Section 438 of CrPC (Section 482



"9. It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr. PC is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.*).

10. When a Court grants anticipatory bail what it actually does is only to make an order that in the event of arrest, the arrestee shall be released on bail, subject to the terms and conditions. Taking note of the fact the said power is to be exercised in exceptional circumstances and that it may cause some hinderance to the normal flow of investigation method when called upon to exercise the power under Section 438, Cr.PC, courts must keep reminded of the position that law aides only the abiding and certainly not its resistant. By saying so, we mean that a person, having subjected to investigation on a serious offence and upon making out a case, is included in a charge sheet or even after filing of a refer report, later, in



accordance with law, the Court issues a summons to a person, he is bound to submit himself to the authority of law. It only means that though he will still be at liberty, rather, in his right, to take recourse to the legal remedies available only in accordance with law, but not in its defiance. We will dilate this discussion with reference to the factual matrix of this case. However, we think that before dealing with the same, a small deviation to have a glance at the scope and application of the provisions under Section 82, Cr.PC will not be inappropriate.

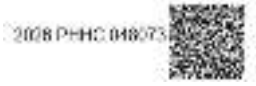
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25. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom



of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases.....”

10. More recently, the Hon’ble Supreme Court in ***Serious Fraud Investigation Officer v. Aditya Sarda, 2025 AIR (SC) 2431***; has held that grant of anticipatory bail is an extraordinary remedy and not a rule and serious economic offences, involving fraud and public money, necessitate stricter scrutiny and rejection of anticipatory bail unless exceptional circumstances are demonstrated.

11. Accordingly, in view of the facts and circumstances of the present case, this Court finds no merit in the present petition. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

12. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

25.03.2026

Puneet....

(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |