



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

103

CRM-M-30805-2026

Date of decision : 05.06.2026

DINESH KUMAR BANSAL

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Deepinder Singh Virk, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This petition for pre-arrest bail, is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.37 dated 23.07.2025, for the commission of offence punishable under Sections 406, 409, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860 and Section 13(1)(a) read with Section 13(2) of Prevention of Corruption Act, Police Station Vigilance Bureau, District Patiala.
2. Briefly stating the facts emerging from the record are that the FIR of this case came into being in Police Station Vigilance Bureau Patiala Range, Patiala on the basis of an enquiry report, submitted by Vigilance Bureau. The



pith and substance of the above-mentioned FIR is that 'Munshi Ram' was Sarpanch of the village Nalas Khurd, District Patiala for the period 2019 to 2022, whereas 'Surinder Singh', 'Som Chand', 'Jangir Singh', 'Ved Prakas', 'Sunita', 'Manpreet Kaur', 'Gurjit Kaur' were Panches. During the course of enquiry it was revealed that Rs.58.43 crores were received by the abovesaid Sarpach, in Panchayat funds, from its predecessor in January 2019, and during the period January 2019 to August 2022 Rs.7.50 crores were received from various sources including interest on deposits & various grants etc.

3. In the enquiry, it was found that during the abovesaid tenure expenditure of Rs.32,20,59,348/- was incurred by the Panchayat on various developmental works, but the technical team of the Vigilance Bureau, with the help of local technical team, found during inspection that various bills and vouchers for a sum of Rs.26,96,33,614/- were generated at different points of time and bills of Rs.6,03,95,167/- were generated for expenditure on material and labour. According to enquiry report, those bills were signed by the Sarpanch of the Panchayat.

4. The enquiry also revealed that a total financial loss of Rs.3,61,09,454/- was caused in the construction of stadium. It was also revealed during the course of enquiry that Gram Panchayat village Nalas Khurd had decided to install a shed and an electric furnace for cremation and other related works. The estimates of the above-mentioned work were approved by the Sarpanch and Gram Panchayat, and orders were placed for supply and installation of furnace in the crematorium, to firms namely 'Dinesh Kumar Bansal Contractor', (the petitioner herein) 'Bhole Nath Building



Material', 'Falcon Enterprises', 'Innovation Solution', 'Fan Enterprises', 'Gill Trading Company' etc. According to findings recorded in the enquiry report, although the bills were generated and payments were made, but no furnace was found to have been purchased or installed in the crematorium, and thus, by making payments for the purchase of above-mentioned furnace, which was never installed a financial loss to the public fund was caused, to the tune of Rs.43,32,883/-. In addition to above, there were other allegations also with regard to embezzlement of public funds. Hence, the instant FIR.

5. Notice of motion.

6. Since advance notice has already been served upon the State, Mr. J.S. Thind, DAG, Punjab, accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. Reply has been filed by learned State counsel. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case, without any active or passive role in the commission of alleged embezzlement of funds. According to learned counsel for the petitioner, the petitioner was simply a contractor, who was allocated a contract for construction of crematorium, and that the above-mentioned work was duly executed by the petitioner on the spot and payment was made.

9. It has also been contended by learned counsel for the petitioner that with regard to supply of above-mentioned material genuine bills were



generated by the petitioner and GST had been paid. In view of above, it has been contended by learned counsel for the petitioner that no ground for implicating the petitioner in the commission of offence is made out, but he is being unnecessarily harassed. It has also been contended by learned counsel for the petitioner that the co-accused namely 'Mohan Lal', 'Amarjit Kumar' and 'Surinder Singh' have already been accorded the benefit of regular bail. Hence, the request for anticipatory bail.

10. The above-mentioned arguments have been controverted by learned State counsel. It has been contended by learned State counsel that the facts are not straight as being projected by learned counsel for the petitioner. According to learned State counsel in the present case the petitioner is the person, who was actively involved in generation of fake bills to embezzle public funds and for that purpose he not only connived with the Sarpanch and other Panches, but also created false documents. According to learned State counsel, since it is the stand of the petitioner that for supply of material, he had generated genuine bills, in order to find out the source from where the above-mentioned material was procured by the petitioner, his custodial interrogation is of utmost important. According to learned State counsel, the co-accused 'Mohan Lal' and 'Munshi Ram', too, had approached this Court for anticipatory bail on the same ground, and that the benefit of anticipatory bail was denied to them.

11. The record has been perused carefully.

12. In the present case, it is relevant to mention here that there are allegations against the petitioner that without supplying goods/material for the



construction of crematorium/furnace, he generated bills and received money from the Panchayat fund. Although this plea has been denied by the petitioner, but there is nothing on record to show that the material for which bills have been generated by the petitioner, for withdrawal of money from Panchayat fund, he had secured supply from any other source. There is no evidence to prove the payment of money to such suppliers. Thus, at this stage *prima faice*, it appears that petitioner who has not claimed himself to be the manufacturer/producer of such crematorium/furnace, generated fake bills. In order to crystalise the facts of the case and fix the role of petitioner, if any, in the commission of offence, in my opinion his custodial interrogation is of paramount important.

13. It is settled principles of law that custodial interrogation of an accused is a valuable right available to an Investigating Agency and in ordinary circumstances such right should not be denied to the Investigating Agency. The factual matrix of the present case shows that if such right is denied to the Investigating Agency, the Investigating Agency will be deprived of valid opportunity to collect material piece of evidence in the present case.

14. It is pertinent to mention here that the petitioner has approached this Court for the concession of anticipatory bail, and it is settled principle of law that the above-mentioned concession is a discretion to be exercised by the Court in a judicious manner. With regard to circumstances in which the above-mentioned discretion should be exercised, the guidelines have been prescribed by the Hon'ble Supreme Court of India in various judicial pronouncements. In this regard in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC



OnLine SC 282’, it has been observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

15. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

16. Similarly, in the case of ‘Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024’, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

17. In the case of ‘Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565’, the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.



- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

18. In view of above-mentioned discussion, and the above-mentioned relevant proposition of law [and the fact that similarly placed co-accused namely ‘Mohan Lal’ and ‘Munshi Ram’ have already been denied the benefit of anticipatory bail] it is hereby observed that any valid ground for exercising discretion in favour of petitioner to extend benefit of anticipatory bail does not exist in the present case. Hence, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

05.06.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No