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

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CRM-M-45515-2025 (O & M)

Date of decision: 30.03.2026

SUBHASH SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldip Singh, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Kamal Narula, Advocate, for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No.107 dated 04.08.2025, registered at Police Station Jalalabad, District Fazilka, under Sections 318(4) and 316(5) of BNS.

2. Reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Jalalabad, District Fazilka, dated 29.03.2026, filed in the Court, is taken on record.

3. Learned counsel submits that the petitioner, who is an Ex-Sarpanch, has been falsely implicated in the case as he has not misappropriated any amount and the FIR has been registered after his tenure came to an end, thus, prays that he be granted anticipatory bail.



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4. Learned State counsel and learned counsel for the complainant submit that the complaint was filed on 30.01.2025 after receiving the information under the Right to Information Act, from the concerned Department that agricultural equipments were purchased by the petitioner under CRM Scheme, for which, he did not get the approval of the Panchayat Secretary and had passed resolution on his own by impersonating and forging documents. However, no such equipment was delivered to the Panchayat for the use of villagers, rather the same were sold by him in the open market, as is apparent from the photograph, Annexure R-1, wherein also, none of the Panchayat members was taken alongwith him. Moreover, he paid Rs.1 lakh in cash to the vendor, who received the subsidy amount in his account. They, thus, state that a thorough investigation needs to be conducted, for which his custodial interrogation is required. There also is an apprehension that he can tamper with the evidence or influence the witnesses.

5. Heard.

6. It would be apposite to refer to the status report dated 29.03.2026, relevant paras whereof read thus:

“5. That it is respectfully submitted an application No.702-PGD-PC dated 30.01.2025 was moved by the complainant Gurcharan Singh son of Rattan Singh resident of village Jhugge Fangian Tehsil Jalalabad District Fazilka Fazilka against the petitioner with the allegations that in the year 2021, subsidy and agricultural equipments were taken in the name of Panchayat Jhugge Fangian like Zero Till Drill, Paddy Straw Chopper and Super Seeder. It was further alleged that Subhash Singh, former Sarpanch of village Jhugge Fangian, by forging the signatures and thumb impressions of panchayat members prepared file for all the said agricultural equipments. The petitioner Subhash Singh received the said agri. equipments by impersonating fake persons namely Balwinder Singh son of Khanda singh of village Kotu Wala and Balwinder Singh son of Sunder Singh (brother of



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petitioner) posing them member panchayat. The complainant came to know about this scam committed by said former Sarpanch Subhash Singh from the evidence received through RTI. It was also alleged that said Subhash Singh did not as give the said agricultural equipments to the villagers and sold the same outside and usurp its sale proceeds. In this way said Subhash Singh has committed fraud with the villagers and with the government. Therefore, the complainant demanded strict legal action against the petitioner Subhash Singh.

6. That the above noted application was got inquired into through Incharge, E.O.Wing, Fazilka. During the course of inquiry, the complainant, petitioner, officers Agriculture Department and the owner of the Firm B&B Agro namely Harpreet Singh along with Panchayat Secretary Neeraj and other respectables persons were joined and their statements were also recorded. Relevant record was also taken into account. After thorough probe into the matter following facts were come to the fore:

a) That the Central Government provides agricultural equipments to Farmers and Panchayats on subsidy under the CRM (Crop Residue Management) Scheme for the management of paddy stubble. Under this scheme, Harpreet Singh son of Parvinder Singh resident of Dashmesh Nagar, Jalalabad, has registered a Firm B&B Agro Business, Jalalabad. Fazilka, Ferozepur Road, Jalalabad.

(b) That in order to avail the benefit of the said CRM Scheme, the petitioner being Sarpanch of gram panchayat Jhugge Fangian, had applied one File No.Agri/CRM 11809/91846 from Panchayat to the Agriculture Department wherein he had obtained the signatures of Gurnam Singh and Gurdev Singh, Panchayat Member along with him. The said file was submitted to the Agriculture Department. After getting the file approved from them, the petitioner contacted Harpreet Singh owner of Firm B&B Agri Business, Jalalabad. Upon which a Bill No.111 dated 02.12.2021 of Rs.2,75,000/-for a Straw Chopper, a Bill No.112 dated 02.12.2021 of Rs.2,10,000/- for a Super Seeder and a Bill No.113 dated 02.12.2021 of Rs.60,000/- for a Zero Drill were issued by firm owner Harpreet Singh.

That farmers were called at the Grain Market, 24.03.2022 and Jalalabad on 25.03.2022 for handing over these machines. On the said dates, above mentioned machines were handed over to the petitioner after clicking the photographs by the Agriculture Department. The petitioner received the said agri. equipments



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alongwith Balwinder Singh son of Khanda Singh of village Kotu Wala and Balwinder Singh son of Sunder Singh (brother of petitioner) by posing them as member panchayat. At that time the petitioner under dishonest motive, did not call any member panchayat in order to conceal the delivery of equipments. Both the photographs dated 24.03.2022 and 25.03.2022 are appended herewith as Annexures R-1 and R-2 for the kind consideration of this Hon'ble Court. Regarding these machines, an amount of Rs.1 lakh was to be given by the petitioner from gram panchayat account and a subsidy amount of Rs.4 lakh was to be given by the Government to the account of the said firm. But the petitioner did not give this amount of Rs.1 lakh from the Panchayat Account and gave the cash amount to the aforesaid supplier firm. Thereafter the subsidy amount of Rs.4 lakh was deposited by the government directly in the account of the said Firm. In this regard, an affidavit was also given by the petitioner to the said firm giving his consent for transfer of subsidy amount in the account of said Firm. This fact has further been corroborated by Neeraj, panchayat Secretary that the petitioner neither got passed any resolution for purchasing of said equipments nor any payment was made to the supplier firm from the bank account of Gram panchayat, Jhugge Fangian. He further stated that no subsidy amount has been entered in any account Panchayat. Meaning thereby, the petitioner, of the gram with ulterior motive, made the entire deal without the notice of any panchayat member."

7. Hon'ble the Supreme Court in **Sumitha Pradeep vs. Arun Kumar C.K.**, 2022 SCC OnLine SC 1529, observed that requirement of custodial interrogation is not the only ground to decide the grant of anticipatory bail. The relevant para reads thus:

"In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds



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while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon’ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

“6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

“438. Direction for grant of bail to person apprehending arrest.-

(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-

(i) The nature and gravity of the accusation;

(ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested,



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either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

9. Hon’ble the Supreme Court in the case of **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, has observed that, “Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant



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fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

10. Even otherwise, the petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon’ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP CrI. No. 18200-2025, vide judgment dated 06.01.2026.

11. It is the bounden duty of the Court to take into consideration all the facts and circumstances and after its utmost satisfaction, grant anticipatory bail only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of the accused interfering in the path of justice.

12. Pertinently, the nature of allegations against the petitioner, an ex-sarpanch, discloses commission of serious offences involving forgery, cheating, criminal breach of trust, impersonation and misappropriation of government resources meant for public welfare, as detailed in para No.6 of the status report reproduced hereinabove. Considering the gravity and nature of the same, his custodial interrogation is necessary for a fair and effective investigation, particularly for recovery of the misappropriated equipment or proceeds thereof and for unearthing the complete *modus operandi* as well as the money trail.



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Moreover, given the position earlier held by him as Sarpanch, there exists a reasonable apprehension that he may influence witnesses or tamper with the evidence if granted the concession of anticipatory bail. Accordingly, this Court does not find it a fit case to grant the concession of anticipatory bail to the petitioner, as the element of criminality cannot be ruled out and permitting him to join the investigation under the protective umbrella of pre-arrest bail is likely to hamper a thorough and effective investigation and impede the unravelling of the larger conspiracy.

13. In view of the foregoing discussion, the present petition is hereby dismissed, being devoid of merit.

14. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

30.03.2026
parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No