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

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Vishal Kaushik and another

...Petitioners

V/s

State of Haryana

...Respondent

Date of decision: 13.01.2026**Date of Uploading : 14.01.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gautam Dutt, Senior Advocate with
Ms. Radhika Mehta, Advocate and
Ms. Sukhsharan Sra, Advocate and
Mr. Amtaj Sidhu, Advocate for the petitioners.
Ms. Mahima Yashpal, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioners seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.0023 dated 12.08.2025, registered for offences punishable under Sections 120-B, 166, 167, 201, 218, 406, 409, 420, 467, 468, 471 IPC and Sections 7, 2, 13(1)(a) read with 13(2) of the Prevention of Corruption Act, 1988, at Police Station ACB, Faridabad, District Anti Corruption Bureau, Faridabad.

2. The present FIR arises during investigation of earlier FIR No. 11 dated 24.03.2022 at PS SV ACB Faridabad, wherein it was found that 13 fake work orders related to laying interlocking tiles on the berm of RMC Road, Tigaon Road, Ballabgarh were fraudulently prepared in the name of Satbir Singh, Contractor, on 27.11.2018. It has been alleged that the



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original estimates of these works, totaling about Rs. 72.75 lakh, were illegally revised within 20 days on 08.12.2018 to about Rs.12.18 crores by officials of Municipal Corporation Faridabad (MCF) in connivance with the contractor. Payments were released even though no such work orders were ever officially issued and no work was actually executed. Furthermore, verification of the dispatch register and records of other MCF divisions confirmed that these work orders were forged and dispatch numbers were fake. The fake work orders were processed and payments were approved by MCF officials, including Executive Engineer Prem Raj Singh, Superintendent Vinod Kumar, OIA Vishal Kaushik (petitioner No.1 herein), RSA Naveen Kumar (petitioner No.2 herein), Joint Director Audit Hargulal, Smt. Sashi Arya, Clerk Naveen Ratra, and others, who abused their official positions. It has been further alleged that the aforesaid accused officials, in conspiracy with contractor Satbir Singh, caused a wrongful loss of Rs. 12,18,71,165/- to the Government exchequer and wrongful gain to the contractor. Accordingly, the instant has been registered and investigation ensued.

3. Learned senior counsel for the petitioners has iterated that the petitioners have been falsely implicated into the present FIR and the same was been registered on the basis of a motivated and *mala fide* complaint. Learned senior counsel has further iterated that there are no specific or direct allegations against the petitioners attributing any overt act or criminal intent. According to learned senior counsel, the petitioners were posted in the Accounts Branch of Municipal Corporation, Faridabad and has no role whatsoever in issuance of the work orders, technical sanction, enhancement



of estimates, execution of work or measurement of works. Their duties were purely clerical and procedural limited to checking whether the bills were duly certified by the Engineering Department and pre-audited by the statutory Audit branch. Learned senior counsel has further submitted that the payments were released only after due audit and approval by the competent authority. Furthermore, the allegations of conspiracy are stated to be baseless as the bills were generated in December 2018 and payments were made only in July 2019 after completion of all the procedural formalities. Learned senior counsel has emphasized that the present FIR is barred in law as multiple FIRs have been registered in respect of the same transaction and same set of work orders which amounts to abuse of process of law. Learned senior counsel has asserted that the petitioners have already been granted the concession of anticipatory bail in the earlier FIRs on identical allegations and there is no justification for their custodial interrogation as the entire case is based on documentary evidence already in possession of the investigating agency. Learned senior counsel has asserted that the petitioners have already joined the investigation pursuant to interim protection and have fully cooperated with the investigation agency. Furthermore, the petitioners are willing to further join the investigation as and when require, shall not tamper with evidence or influence any witness and shall abide by all the conditions imposed in case they are enlarged on pre-arrest bail. On strength of these submissions, the grant of concession of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the allegations against the

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petitioners disclose their active and conscious participation in a well planned criminal conspiracy, involving forgery of public records, fraudulent enhancement of work estimates and illegal siphoning of public funds to the tune of more than Rs.12 crores. Learned State counsel has iterated that the allegations are serious, grave and involve offences under the Prevention of Corruption Act which strike at the very root of probity in public administration. Learned State counsel has iterated that the petitioners, being public servants, abused their official position for obtaining undue advantage and caused loss to the public exchequer. Referring to the reply dated 24.10.2025 filed by way of affidavit of Deepak Kumar, HPS, Dy. Superintendent of Police State Vigilance and Anti Corruption Bureau, Faridabad Range, Faridabad, learned State counsel has submitted that during the course of investigation, it has been revealed that the work orders were never issued by the competent MCF division, the dispatch numbers were fake and the alleged execution of work is contradicted by official records. The alleged uploading of photographs on the Work Monitoring System is itself under investigation and appears to be manipulated to create false evidence. According to learned State, the investigation conducted so far has revealed sufficient incriminating material indicating the active involvement of the petitioners in the commission of the offence. Learned State counsel has emphasized that the custodial interrogation of the petitioners is essential for effective investigation, to identify other beneficiaries, trace the money trail and recover incriminating documents and electronic records. Furthermore, learned State counsel has submitted that the plea of multiple FIRs is misconceived as each FIR relates to distinct forged work orders



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discovered at different stages of investigation. Considering the nature of allegations, if armed with a protective order, the petitioners may influence the witnesses & may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

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 of the Hon'ble Supreme Court titled as ***Devinder Kumar Bansal vs. The State of Punjab, 2025 INSC 320***, relevant whereof reads as under:

“21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner accused for grant of anticipatory bail and there is no frivolity in the prosecution.

*22. In the aforesaid context, we may refer to a pronouncement in **Central Bureau of Investigation v. V. Vijay Sai Reddy reported in (2013) 7 Scale 15**, wherein this Court expressed thus:*

“28. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage,



to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

23. *The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused’s liberty can, sometimes, defeat the cause of public justice.*

24. *If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption.*

25. *Avarice is a common frailty of mankind and Robert Walpole’s famous pronouncement that all men have their price, notwithstanding the unsavoury cynicism that it suggests, is not very far from truth. As far back as more than two centuries ago, it was Burke who cautioned: “Among a people generally corrupt, liberty cannot last long”. In more recent years, Romain Rolland lamented that France fell because there was corruption without indignation. Corruption has, in it, very dangerous potentialities. Corruption, a word of wide connotation has, in respect of almost all the spheres of our day to day life, all the world over, the limited meaning of allowing decisions and actions to be influenced not by the rights or wrongs of a case but by the prospects of monetary gains or other selfish considerations.*

26. *If even a fraction of what was the vox pupuli about the magnitude of corruption to be true, then it would not be far removed from the truth, that it is the rampant corruption indulged in with impunity by highly placed persons that has led to economic unrest in this country. If one is asked to name one sole factor that effectively arrested the progress of our society to prosperity, undeniably it is corruption. If the society in a developing country faces a menace greater than even the one from the hired assassins to its law and order, then that is from the corrupt elements at the higher echelons of the Government and of the political parties.”*



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7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioners. The allegations against the petitioners pertain to offences under the Prevention of Corruption Act, 1988 which by their very nature are serious and grave. Corruption by public servant is not merely an offence against an individual but constitutes an offence against the society at large eroding public confidence in the administration. Thus, the Courts are, therefore, required to exercise a greater degree of caution while considering the grant of anticipatory bail in such cases. From the perusal of the record, it emerges that the allegations in the present FIR pertain to a serious economic offence involving abuse of official position by public servants, forgery of public records, criminal conspiracy, and misappropriation of public funds exceeding Rs. 12 crore. Such offences strike at the very root of public administration and erode public confidence in governmental institutions. The settled position of law is that economic offences and corruption cases are to be viewed with greater circumspection while considering pre-arrest bail. The petitioners were holding a responsible public office at the relevant time and were entrusted with powers which had a direct bearing on the decision making process in question. The allegations disclose misuse of official position and abuse of authority for extending undue benefit. At this stage, the material collected during investigation cannot be brushed aside as vague or baseless. The contention raised by the petitioners that their role was merely clerical or procedural cannot be accepted at this stage. *Prima facie*, the material on record indicates that the petitioners were part of the process through which forged work orders, manipulated estimates, and first

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running bills were processed and cleared for payment. Whether such acts were committed negligently or with criminal intent is a matter to be determined after a thorough investigation and cannot be adjudicated at the anticipatory bail stage. The argument that the entire case rests on documentary evidence and, therefore, the custodial interrogation of the petitioners is unnecessary is also without merit. In the considered opinion of this Court in cases involving forgery, manipulation of official records, electronic data, audit processes and conspiracy among multiple accused, the custodial interrogation often becomes indispensable to ascertain the knowledge and intent of the accused and trace the money trail.

8. The plea raised by the petitioners regarding multiple FIRs and alleged overlap cannot be conclusively examined at this stage. The prosecution case is that the impugned FIR pertains to a separate set of forged work orders, which came to light during further investigation. Whether the FIR(s) arise out of the same transaction or constitute distinct offences is a mixed question of law and fact which requires detailed examination at the stage of trial. Furthermore, the reliance placed on earlier orders granting anticipatory bail in other FIRs does not automatically entitle the petitioners to similar relief in the present case. It is well settled that each bail application must be considered on its own facts and circumstances, particularly when allegations disclose a continuing and expanding conspiracy involving different work orders. Similarly, this Court finds no force in the argument regarding delay in registration of the FIR. In corruption cases, such offences surface only after scrutiny of records during audits/investigations of related matters. Mere delay, by itself, does not dilute



the seriousness of the allegations or entitle the accused to anticipatory bail. The magnitude of the alleged loss to the public exchequer, the systematic nature of the offence, the position held by the petitioners as public servants and the reasonable apprehension that custodial interrogation is necessary for a fair and effective investigation, weigh heavily against the grant of pre-arrest bail. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioners is necessary to trace the money trail, identify the role of other accused and to unearth the larger conspiracy. Furthermore, the plea of false implication raised by the petitioners is a disputed question of fact and involves appreciation of evidence, which cannot be adjudicated upon at this stage. The same can only be adjudicated upon the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on-going investigation. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present FIR. Furthermore, the Court below has already declined the plea of the petitioners after considering the relevant factors, including the manner in which the name of the petitioners surfaced during investigation. 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 interests. 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. At this stage, there is no material on record to hold that



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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 accusations. 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 Hon'ble 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 task of disinterring offences would not conduct themselves as offenders.”

9. It is well settled that anticipatory bail is an extraordinary remedy and is not mean to be granted as a matter of course. In the present case, the investigation is still at a crucial stage and the grant of anticipatory bail at this juncture will impede the fair and effective investigation. Considering the nature and seriousness of the allegations, the specific role assigned, the stage of investigation as also the necessity of custodial interrogation for verification of facts, this Court is of the considered opinion



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that the petitioners do not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (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

January 13, 2026
Ajay

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