IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

103 **CRM-M-69087-2025**

Date of decision: 12.01.2026

Suresh Kumar ....Petitioner

V/s

State of Haryana ....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. DPS Bajwa, Advocate for the petitioner.

Ms. Mahima Yashpal, Senior DAG Haryana.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.06 dated 31.01.2024 registered for offences punishable under Sections 409, 420, 120-B of IPC and Sections 7, 8, 12, 132 of Prevention of Corruption Act, 1988 at Police Station Anti Corruption Bureau Ambala, District Ambala.

2. In brief, 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. An amount of Rs.7,50,000/- was 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 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. According to learned counsel, the entire prosecution case revolves around the main accused namely Stalian Jit and Jitender Kaushik and the petitioner has been unnecessarily roped in during the course of investigation. Learned counsel has further submitted that no incriminating document has been recovered from the possession of the petitioner. Learned counsel has further submitted that the alleged bank transactions have been wrongly interpreted by the prosecution and the petitioner has no connection with the alleged offence. Furthermore, the prosecution story is highly doubtful and does not disclose the commission of any offence. Learned counsel has further submitted that the co-accused i.e. Umed Singh Chopra has already been granted the concession of bail by this Court. On this premise, it is argued that the petitioner is entitled to the benefit of parity particularly when his role is weaker than that of the said accused. Learned counsel has further submitted that the petitioner is a law-abiding citizen, has deep roots in society and is not at flight risk and, therefore, his custodial interrogation is not required. According to learned counsel, the petitioner has clean antecedents and has never been involved in any criminal case. Learned counsel has asserted 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.

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 petitioner by arguing that the petitioner was posted as Accountant in ICDP, Kaithal during the relevant period and was also a member of the Project Implementation Team. According to learned State counsel, the petitioner has been actively involved in the execution of the ICDP projects and had signed various official documents including quotations, vouchers and bills relating to the project in question. Learned State counsel has emphasized that during investigation, it has been revealed that an amount of Rs.7,50,000/- was transferred into the bank account of the petitioner from the companies owned and controlled by co-accused. The said transaction clearly establishes a clear financial link between the petitioner and the main accused. Learned State counsel has submitted that the offence relates to large-scale corruption, criminal breach of trust and misappropriation of government funds. In order to ascertain the complete chain of events, trace the flow of illegal money and identify the role of other persons involved, the custodial interrogation of the petitioner is necessary. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery. 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.*
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> *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:*
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> > *"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."*
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> *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."

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations against the petitioner 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, requires 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 against the petitioner are serious in nature which are supported by documentary evidence, including bank transactions and official records bearing his signatures. The transfer of Rs.7,50,000/- into the account of the petitioner coupled with his role as an Accountant and member of the Project Implementation Team during the period when sub-standard material in ICDP projects was supplied, *prima facie* indicates his involvement in the conspiracy. Furthermore, the WhatsApp chats, cheques and official records indicate that the petitioner was part of a larger conspiracy involving misappropriation of government funds. 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 that the petitioner is innocent and there is no direct demand or acceptance of illegal gratification is a matter of trial and requires appreciation of evidence and not to be considered at the stage of considering anticipatory bail. At this stage, the Court is only required to see whether the allegations, if taken at face value, disclose the commission of a cognizable offence and whether custodial interrogation is necessary for effective investigation. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is necessary to ascertain the complete details of the conspiracy, trace the funds, identify the beneficiaries and trace the money trial.

8. Given the large-scale nature of the offence, which involves multiple accused, companies and projects, this Court is not inclined to grant pre-arrest bail at this stage as it would impede the investigation. Furthermore, the plea of false implication raised by the petitioner 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 *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. Furthermore, the Court below has already declined the plea of the petitioner after considering the relevant factors, including the manner in which the name of the petitioner surfaced during investigation. As regards plea of parity, it is well settled that parity is not an absolute principle and depends upon the role and overall circumstances of each accused. The role attributed to the petitioner, being a public servant, stands on a different footing. Moreover, the grant of anticipatory bail to a co-accused does not automatically confer a right upon the petitioner to seek similar relief particularly when the nature of allegations and degree of responsibility are distinct. 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 *prima facie* case is not made out against the petitioner. 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 petitioner, 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 disintering 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

that the petitioner does 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 12, 2026
Ajay

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