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

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Date of decision: 13.01.2026

Sumer Singh Yadav

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

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.0032 dated 05.12.2024 registered for offences punishable under Sections 13(1)D, 13(2) of Prevention of Corruption Act, 1988 and under Section 120-B of IPC, 1860 at Police Station ACB Gurugram, District State Vigilance & Anti Corruption Bureau, Haryana.

2. The present FIR arises out of Enquiry No.2 dated 07.04.2021 initiated by the Anti-Corruption Bureau, Haryana, pursuant to directions issued by the Chief Secretary, Government of Haryana. The enquiry pertained to allegations of misuse of official position in the award of a tender for outsourcing Assistant Line Men (ALMs) and Shift Attendants (SAs) in Dakshin Haryana Bijli Vitran Nigam (DHBVN), Gurugram. During the enquiry, it was found that Tender No. GC-37/2008-09/GGN dated 07.01.2009 was floated for outsourcing 168 personnel. Four firms participated and M/s Sandhu Security Services was awarded the contract

being the lowest bidder. However, the enquiry revealed that the said firm did



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not fulfill the mandatory tender conditions, including possession of a valid labour licence for DHBVN and requisite experience of providing similar services of at least 25 skilled technical personnel for two years. The licences and experience certificates submitted were found to be either inadequate or wholly unrelated to the nature and scale of work tendered. It was further found that despite these deficiencies, the tender was approved and the work order issued by the concerned DHBVN officials, namely the then Superintending Engineer (petitioner herein), Deputy General Managers and Accountant thereby violating the prescribed tender conditions. Statements of ALMs/SAs revealed that some of them had paid amounts ranging from Rs.2,800 to Rs.3,500 to representatives of M/s Sandhu Security Services as security money, without issuance of any receipts. A report of the Technical Officer report also confirmed gross violation of tender conditions. As per the prosecution case, as set out from the petition in hand, the petitioner, while holding the post of then S.E. (Retd.), OP circle, DHBVN, Gurugram and being a public servant, misused his official position and in connivance with the co-accused, demanded and accepted illegal gratification for extending undue official favour to the co-accused namely Ajay Sandhu proprietor of M/s Sandhu Security Services. On receipt of a complaint, the Anti Corruption Bureau conducted verification proceedings, during which the demand of illegal gratification *prima facie* stood established. On these set of allegations, the FIR in question to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the present FIR and the same has been registered on the basis of a motivated and *mala fide* complaint.

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Learned counsel has further iterated that there is no direct evidence to establish any demand or acceptance of illegal gratification by the petitioner and the entire prosecution case rests on mere conjectures and assumptions. Learned counsel has emphasized that petitioner has no role whatsoever in the alleged transaction and that the prosecution has failed to attribute any specific (overt) act to the petitioner. Furthermore, the alleged recovery, if any, has not been effected from the petitioner and the petitioner has been implicated merely on the basis of presumptions. Learned counsel has further submitted that the allegations against the petitioner are essentially based on documentary material(s) which are already in possession of the prosecution and, therefore, there is no need for the custodial interrogation of the petitioner. Learned counsel has further submitted that the co-accused namely Ajay Sandhu, who is proprietor of M/s Sandhu Security Services has already been granted the concession of anticipatory bail by the Court below. On this premise, it is argued that the petitioner is entitled to the benefit of parity, particularly when his role is comparatively less serious than that of the said accused. 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 has already joined the investigation pursuant to interim protection and has fully cooperated with the investigation agency. Furthermore, the petitioner is 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 he is enlarged on pre-arrest bail. On strength of these submissions, the grant of concession of anticipatory bail is entreated for.



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4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations against the petitioner 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 petitioner, being a public servant, abused his official position for obtaining undue advantage and caused loss to the public exchequer. Referring to the reply dated 01.01.2026 filed by way of affidavit of Bhartender Kumar, HPS, Dy. Superintendent of Police, Anti Corruption Bureau, Gurugram, learned State counsel has submitted that during the course of investigation, it has been revealed that the petitioner has awarded the tender No.GC-37/2008-09/GGN to M/s Sandhu Security Service despite the fact that the said company was ineligible and hence the petitioner needs to be questioned thoroughly regarding the awarding of this tender. According to learned State, the investigation conducted so far has revealed sufficient incriminating material indicating the active involvement of the petitioner in the commission of the offence. Learned State counsel has emphasized that the custodial interrogation of the petitioner is essential for effective investigation, to ascertain the money trail and to identify the role of other accused involved. Furthermore, learned State counsel has submitted that the nature of allegations and the position held by the petitioner give rise to a reasonable apprehension that, if armed with a protective order, the petitioner may influence the witnesses, many of whom are his subordinate officials as also it may impede the ongoing investigation and obstruct the recovery.

Accordingly, a prayer has been made for the dismissal of the instant petition.



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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 enroled 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."*

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



and 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 petitioner was holding a responsible public office at the relevant time and was 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 that the petitioner has no direct demand or acceptance of illegal gratification is made out is a matter of trial and requires appreciation of evidence which is impermissible at the stage of considering anticipatory bail. At this stage, the Court is only required to seek whether the allegations, if taken at face value, disclose the commission of a cognizable offence and whether custodial interrogation is necessary for effective investigation.

8. The plea that the case is based solely on documentary evidence and that all records are already in possession of the investigating agency does not merit acceptance in the present factual milieu of the case in hand. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is necessary to trace the money trail, identify the role of other accused and to unearth the larger conspiracy. The mere fact that the petitioner has joined investigation does not, by itself, disentitle the investigating agency from seeking his custodial interrogation. 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 *may* 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 from that of a private individual. 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



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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 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:



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- (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