



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

208

CRM-M-31745-2025

Date of Decision: 18.08.2025

Sharwan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Gautam Dutt, Advocate and  
Mr. Sushil Jain, Advocate, for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

Mr. Ketan Antil, Advocate, for the complainant.

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**ANOOP CHITKARA, J.**

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Section</b>
247	06.08.2024	Bahalgarh, Distt. Sonipat	406 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 37 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“2. That the brief facts of the case are that the complaint dated 19.03.2024 filed by the Residential Society, Omaxe Height, Sector-8, Sonipat, regarding misappropriation of amount of electricity bill of residential society, Omaxe Height, Sector-8, Sonipat after conducted the enquiry by the Economic Offence Wing Sonipat, received at Police Station Bahalgarh on 06.08.2024, with the recommendation for registration the case. In the complaint it has been alleged that there are 702 flats in the society and near about 600 families are residing therein. Elections of office bearers of Resident Welfare Association of society was conducted in August, 2020, for three years, wherein, Vishal Yadav (President), Sharwan Kataria (Secretary), Pushpender Vats (Vice President), Shilpa Vohra (Treasurer) and Pankaj Mehta (Joint Secretary) were elected. Besides above said office bearers, six executive members were also elected. Thereafter, President, Joint Secretary and four executive members resigned. Society hired App. of Xenius Company for maintenance and counting daily consumption of electricity. All record of Xenius Software App is being maintained in the server of company which is controlled by Xenius Company. The residents of society uses prepaid system for payment of electricity bill and maintenance bill. Some residents deposits in cash also. RWA of Society maintains accounts in Axis*



*Bank Sector-14, Sonipat (C/A No. 920020xxxxx and S/B No.920010xxxx) and in Bank of India, Murthal (C/A No. 6724102100xxxx). They came to know through RWA accounts statement of Axis Bank that daily Rs.30 to Rs.35 thousand were being deposited for consumption of electricity and maintenance with RWA, and, near about Rs.9 lacs were being deposited in cash with RWA, but, no cash amount collected from 18.09.2022 to 25.06.2023 (for 9 months) by RWA team was deposited in account. Thereafter, from 26.06.2023 to 30.09.2023, only 4.5 lakh were deposited. In this way, during 12 months i.e. from 18.09.2022 to 30.09.2023, 1.33 crores have been misappropriated. Further by not depositing the electricity bill in electricity department, they have committed fraud with residents of society. Electricity bill of Rs.2.36 crore is due towards society.*

*3. That on the basis of above complaint case FIR No. 247 dated 06.08.2024 under sections 406 IPC was registered at Police Station, Bahalgarh, District Sonipat and further investigation was set into motion.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The petitioner's counsel submits that the benefit of anticipatory bail has already been given to co-accused Pushpender Kumar, vide order dated 07.07.2025 passed by this Court in CRM-M-24054-2025.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The complainant's counsel opposes bail.

8. The State's counsel opposes bail and refers to the reply.

9. It would be appropriate to refer to the following portions of the reply, which reads as follows:

*“7. That the petitioner-accused Sharwan Kumar being Secretary of RWA from 18.09.2022 to 25.06.2023 and also from 26.06.2023 to 30.09.2023 received the amount of electricity bills and maintenance in cash from the members of RWA and did not deposit the same in the account of RWA as such, misappropriated the same. The record and the amount of misappropriation are in possession of petitioner-accused. Thus, at this juncture, for effecting recovery of record as well as amount misappropriated by petitioner-accused Sharwan Kumar and to unearth the modus operandi, the custodial interrogation is required.”*

**REASONING:**

10. The benefit of anticipatory bail has already been given to co-accused Pushpender



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Kumar, vide order dated 07.07.2025 passed by this Court in CRM-M-24054-2025, as such, the petitioner is entitled to anticipatory bail on parity as role of petitioner is on lower pedestrian.

11. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

12. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

13. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

14. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

15. This order is subject to the petitioner's complying with the following terms.

16. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. The petitioner shall abide by all statutory bond conditions and appear before the



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concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

18. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

19. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

21. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

22. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

23. **Petition allowed** in terms mentioned above. Interim order dated 06.06.2025 is made absolute. All pending applications, if any, stand disposed of.

18.08.2025

Jyoti-II

Whether speaking/reasoned:  
Whether reportable:

(ANOOP CHITKARA)  
JUDGE

Yes  
No