

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(207)

CRM-M-29849-2025 (O & M)
Date of decision 13.10.2025

Sanjay Petitioner

V/s

State of Haryana ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashwani Bhardwaj, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.14 dated 01.05.2025 under Sections 308(2), 238(a) of BNS, 2023 and Section 7 of the Prevention of Corruption Act, 1988 registered at Police Station ACB, Gurugram, Haryana.

2. The present FIR came to be registered at the instance of Madan Lal and reads as under:-

To the Inspector Anti-corruption Bureau, Rewari, it is requested that I Madan Lal son of Shri Ram Kumar, am permanent resident of village Surehli Tehsil and Police Station Kosli, District Rewari. I am retired from B.S.F. in the year 2020 as Head Constable. We are three brothers. Eldest is Mahavir, younger than him is me and youngest is Hoshiar Singh. That

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::2::

Hoshiar Singh is blind from eyes and is unmarried. He is living with me only, we all three brothers are having an old house in the village. Amid its partition on dated 07.02.2025 brawl had occurred between us, in this brawl me and my brother Hoshiar Singh had sustained injuries. Son of my brother Mahavir namely Dinesh and his wife Sharmila had quarrelled with us and Sharmila had lodged an FIR No.32 dated 08.02.2025 under section 115, 126, 333, 3(5), 351(3) BNS at Police Station Kosli. In this case me and my brother Hoshiar Singh had visited Police Post Nahar and got our Police bail granted. And name of my wife Sharda Devi was also in this case, that Incharge of Police Pot Nahar namely Sanjay ASI told me that if you have to get name of your wife Sharda removed from this case then you have to pay me Rs.50,000/-. Otherwise your wife shall be arrested. That I made arrangement of Rs.50,000/- and had given to Sanjay ASI. Because me and my wife are Kidney patients. Kidney of both of us has been transplanted. Therefore, I paid Rs. 50,000/- to Sanjay ASI. I did not want to pay Rupees to bribe taker policemen as bribe. But being scared with the arrest of my wife I had to give. On dated 14.02.2025 I went to Police Post Nahar and met Sanjay ASI and asked about removing name of my wife from the case then Sanjay ASI said that the officers have refused to remove the name of your wife from the case. Therefore, I cannot remove the name of your wife from the case. I can accept Police bail. Money which you have given has since been received by me. I had done recording of this fact in my mobile phone. Which I had put in a pen drive which I am producing to you. In this regard I have filed applications earlier also. That application submitted by me is correct. Sanjay ASI had put pressure upon me not to file a case. Therefore, amid pressure I had recorded my statement regarding not initiating any proceedings. But after thinking

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::3::

substantially I want to initiate action against this corrupt employee. I do not have any grudge with Sanjay ASI. Nor do I know him before. On dated 25.03.2025 I had gone to Rewari to engage counsel for my case. Where Sanjay ASI met me he took my mobile phone make Samsung M-30 Black-Blue coloured in which SIM Number 9315034213 was inserted. He took my phone and took my phone took out its SIM and gave it to me and went away while taking my phone. On dated 26.03.2025 Sanjay ASI gave my phone to me, I checked the phone then data plate were removed from the Phone. In which entire data of my phone was destroyed. I am producing the same to you. Action may be initiated against bribe taker Sanjay ASI. Dated 01.05.2025. Sd/- Madan Lal.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has nothing to do with FIR No.32 dated 08.02.2025 under Sections 351(3), 333, 3(5), 126, 115 of BNS, 2023, Police Station Kosli, District Rewari, got registered against the complainant and his family members. The complainant has given a different version at the time of the registration of the instant FIR from the version given earlier. As the petitioner has joined the investigation, he is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, while referring to the reply dated 03.06.2025 contends that the petitioner has received an amount of Rs.50,000/- from the complainant. The conversation between the petitioner and the complainant has been recorded wherein there is a reference to the petitioner seeking illegal gratification. As per the FSL

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::4::

report dated 08.10.2025 placed on record by the learned State counsel, it has been found that the persons in the audio recording were the petitioner and the complainant. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is necessary. Therefore, he is not entitled to the relief as prayed for.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::5::

complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. 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 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 custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. In *Devinder Kumar Bansal* (supra), the Hon’ble Supreme Court held as under:-

“21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied.

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::6::

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."

(Emphasis supplied)

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::7::

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.

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::8::

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.”

(Emphasis supplied)

8. In *Kewal Singh* (supra), the Hon’ble Supreme Court held as under:-

“9. It is well settled law, and reaffirmed by the Hon'ble Supreme Court in Devinder Kumar Bansal v. State of Punjab, 2025 INSC 320 that anticipatory bail in cases involving offences under the Corruption Act is to be granted only in the rarest of rare circumstances. The court is required to be prima facie satisfied either of false implication, political vendetta, or manifest frivolity in the complaint.

10. In the present case, no such circumstances are made out. On the contrary, the specific allegations supported by preliminary material including the trap proceedings, indicate a prima facie involvement of the petitioner in the commission of the alleged offence.

11. In view of the seriousness of the allegations, the position of trust held by the petitioner as a public servant, and the need for thorough investigation through custodial

2025:PHHC:141027



CRM-M-29849-2025 (O & M)

::9::

interrogation, this Court finds no ground to extend the extraordinary concession of the anticipatory bail to the petitioner.”

(Emphasis supplied)

9. A perusal of the FIR would reveal that the petitioner demanded and received a sum of Rs. 50,000/- from the complainant. The said fact stands substantiated from the phone recordings wherein it has been established from the report of the FSL that it is the voice of the petitioner demanding illegal gratification from the complainant. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, he is not entitled to the concession of anticipatory bail.

10. In view of the above discussion, I do not find any merit in the present petition and the same stands dismissed.

11. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

12. The pending application(s), if any, shall stand disposed of accordingly.

October 13, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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