

CRM-M-40602-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
240+301

Date of Decision 04.08.2025

(1) CRM-M-40602-2025 (O & M)

Rakesh ... Petitioner

V/s

State of Haryana ...Respondent

(2) CRM-M-40168-2025 (O & M)

Shamsher Singh ... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vinod Ghai, Sr. Advocate
with Ms. Kashish Sahni, Advocate and
Mr. Arnav Ghai, Advocate, (in CRM-M-40602-2025)
and Mr. Partap Singh, Advocate with
Mr. Manav Sharma, Advocate and
Mr. Vikas, Advocate (in CRM-M-40168-2025)
for the petitioner(s).

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-40602-2025 and CRM-M-40168-2025 as they arise out of the
same FIR.

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2. The petitioner-Rakesh (in CRM-M-40602-2025) and the petitioner-Shamsher Singh (in CRM-M-40168-2025) seek the grant of regular bail under Section 483 of BNSS, 2023) in case bearing FIR No.05 dated 24.01.2025 under Sections 43, 66(C) of Information Technology Act, 2000, Sections 61, 316(2), 316(5), 318(2), 318(4), 336(3), 338 of BNS (Section 340(2) BNS added later on), Sections 7, 13(2), 13(1)(a) of Prevention of Corruption Act, 1988 registered at Police Station ACB, Faridabad, District Anti Corruption Bureau, Haryana.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-40602-2025.

4. The present FIR came to be registered at the instance of Satya Pal, HPS, Deputy Superintendent of Police, Anti Corruption Bureau, Fardiabad Range, Faridabad and reads as under:-

To Station House Officer, Anti-Corruption Bureau, Faridabad. Memo No. A4-4-2025/2707 dated 23.01.2025 was received in the office of ADGP, ACB, Haryana from DG Development and Panchayat Department, Haryana with a request for a registration of FIR and further legal action regarding financial embezzlement. The said Memo was sent vide e-mail to the office of ACB, Faridabad on 24.01.2025 for registration of a case and further investigation. The contents of the Memo are reproduced here. "From Director General, Development Panchayats Department, Haryana, Chandigarh. To Additional Director General of Police, Anti-Corruption Bureau, Haryana. Panchkula. Memo No. AA-4-2025/2707, Dated: 23/01/2025. Subject: Request for Registration of FIR and Further Legal

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Action Regarding Financial Embezzlement. Please find enclosed a copy of letter dated 21.01.2025 submitted by Sh. Arun Kumar, Chief Account Officer, Development 0/0 Development and Panchayats. Department Haryana at Chandigarh, copy of DO letter No. FAW/Central Audit/2024-25/200 dated 16.12.2024 and D.O. letter No. FAW/2023-24/2024-25/1374 dated 16.01.2025 received from Principal Accountant General (Audit) Haryana herein a serious case of financial embezzlement and unauthorized budget allocation of more than 50 Crores has been observed. Based on preliminary verification and the available evidence, it has come to light that substantial funds/budget were allocated to DDPO Palwal in financial year 2023-24 and 2024-25 from the login ID of Chief Accounts Officer, Development, at Headquarters on website of Finance Department without proper authorization or sanction Furthermore, as pointed out by Principal Accountant General (Audit) in the above referred D.O. letter, a significant amount of these funds has been siphoned by the BDPO, Hassanpur Office, District Palwal, through repeated payments made to a particular private firm namely M/s Deepak Manpower Service/Deepak Kumar and Other payees. It is pertinent to mention here that, as informed by CAO of this office, Budget Controlling Authority i.e. CAO in this case, allots budget to Budget Controlling Officer i.e. DDPO, Palwal in this case, for further allocation of Budget as per demand received from the respective DDOs under their control. In present case after going through the dashboard of Finance Department it has been noticed that by mentioning sanction order number as SPL-10, SPL10, SPL, 10 etc. budget was allotted to DDPO Palwal which are fake, because no record regarding demand received from concerned DDPO or sanction order from the concerned



branch is available regarding these transactions. Subsequently, frivolous bills were generated by BDPO Hassanpur office to transfer these funds to a specific private firm namely M/s Deepak Manpower Service/Deepak Kumar and Other payees. The following observations substantiate the prima facie case of financial embezzlement:

- 1. Unauthorized allocation of funds from the Accounts Branch (HQ) without requisite approval from the Head of Department.*
- 2. Alleged misuse of official computer IDs and passwords to facilitate illegal fund transfers.*
- 3. Significant irregularities in fund utilization (as highlighted by the letter of Deputy Commissioner, Palwal and the DO letter received from the PAG(Audit), Haryana) at the Block Development and Panchayat Office, Hassanpur, District Palwal, where payments were made to a specific private firm under questionable circumstances.*

Give the gravity of the matter and the involvement of substantial public funds it is requested that.

- 1. An FIR be registered against the officials/ individuals/firms involved in the unauthorized allocation and misappropriation of funds.*
- 2. A thorough investigation be conducted to identify all individuals and entities complicit in the financial embezzlement.*
- 3. Legal action be initiated against guilty parties as per relevant laws and sections. Enclosure as above., Bd/ Superintendent (Admin), For DG Development and Panchayats Department, Haryana (Chandigarh)”. Further the enclosures received along with the complaint from the office of DG, Development and Panchayats Department, Haryana (Chandigarh) reveal the complicity of Rakesh, Clerk office of BDPO, Hassanpur, District Palwal etc. in connivance with*



Deepak Kumar proprietor of Deepak Manpower Services in siphoning out the funds of Panchayat Department. Since the above facts prima facie disclose the commission of offences u/s 7, 13(1)(a) r/w 13(2) of the PC Act, 1988 (as amended in 2018) and under Sections 61(2), 316(2), 316(5), 318, 318(4), 336(3), 338 under the B.N.S. (Bhartiya Nyaya Sahinta) and under Section 43 of the IT Act, 2000 r/w Section 66-C of the IT Act, 2000 against Rakesh, Clerk, BDPO Office, Hassanpur, District Palwal and Deepak Kumar proprietor of Deepak Manpower Services and other unknown public servants of the offices of BDPO Hassanpur, DDPO Palwal, Director Development and Panchayat Haryana and private persons, it is requested that an FIR be registered, and investigation conducted as per law. (Satya Pal), HPS Dy. Superintendent of Police, Anti-Corruption Bureau, Faridabad Range, Faridabad.

5. The learned Senior counsel for the petitioner-Rakesh (in CRM-M-40602-2025) contends that petitioner has been falsely implicated in the present case. Petitioner-Rakesh was merely a Clerk in the office of BDPO, Hassanpur and had no authority to disburse the alleged payments to private firm M/s Deepak Manpower Service/Deepak Kumar. The investigation agency has not taken into account that the funds were to be issued by the Director General Development and Panchayats Department, Haryana and the allegations that these funds were rooted without authorization cannot be accepted.

As regards petitioner-Shamsher Singh (in CRM-M-40168-2025), it is contended that he was working as an Audit Officer in the office

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of Development and Panchayat Office in Chandigarh and had sent the funds from the budget is not possible, though, the allegations are that a Computer Operator, namely, Tejinder at the office of DDPO had got a fake dongle prepared and thereafter, the bills were passed. There is no evidence to suggest that the dongle used was the same one which was used to siphon off the money. Further, there is no evidence that the bills were forged with the help of the petitioner.

The learned counsels also contend that as the petitioners are in custody since 25.01.2025 and 27.01.2025 respectively and none of the 57 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

6. The learned counsel for the State, on the other hand, contends that the petitioners and their co-accused committed a fraud with the Government of Crores of rupees and therefore, they are not entitled to the concession as prayed for. He, however, concedes that the petitioners were in custody since 25.01.2025 and 27.01.2025 respectively and that none of the 57 prosecution witnesses have been examined so far.

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

8. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated during the course of the Trial. Two co-accused, namely, Bijender Kumar and Gautam have been granted the concession of bail by this Court vide a common order dated 04.07.2025,

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though, they have comparative minor roles to play. The petitioners are in custody since 25.01.2025 and 27.01.2025 respectively but none of the 57 prosecution witnesses has been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

9. Thus, without commenting on the merits of the case, the present petitions are allowed and the petitioners, namely, Rakesh (in CRM-M-40602-2025) and Shamsher Singh (in CRM-M-40168-2025) are ordered to be released on bail subject to their furnishing bail bonds and surety bonds each to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present one.

11. If any attempt whatsoever is made by the petitioners and/or their family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

12. The petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

13. The petition stands disposed of.

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

15. A photocopy of this order be placed on the file of the case (CRM-M-40168-2025) titled as 'Shamsher Singh versus State of Haryana'.

August 04, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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