

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

105

**CRM-M-55690-2025**  
**Date of decision : 30.09.2025**

GUDDI

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Kuldeep Singh Siwach, Advocate  
for the petitioner.

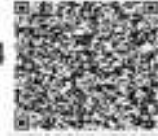
Mr. Parveen Kumar Aggarwal, Addl. A.G, Haryana.

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**SURYA PARTAP SINGH, J. (Oral)**

1. For the commission of offence punishable under Sections 406, 409 and 420 of IPC, the FIR No.143 dated 17.06.2025, Police Station Uklana, District Hisar, has been lodged. For the investigation of abovesaid case, the police is trying to arrest the petitioner. Apprehending his arrest, the instant petition for anticipatory bail has been filed by the petitioner.

2. Briefly stating the facts emerging from record are that a report was submitted to Deputy Commissioner Hisar with regard to forgery of cheque worth Rs.11,91,428/- in the office of Municipal Committee Uklana. In view of above-mentioned report, the Deputy Commissioner Hisar on 19.10.2021 asked Municipal Commissioner for further necessary action and the Municipal Commissioner on 11.11.2021 directed Secretary Municipal Committee, Uklana

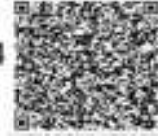


to get the FIR registered. In view of above-mentioned correspondence, the FIR of this case came into being.

3. Briefly stating the allegations contained in the FIR are that with regard to embezzlement of funds in the office of Municipal Committee, Uklana an inquiry was conducted by Sub Divisional Officer (Civil) Barwala. It was found during inquiry that the then Secretary Madan Lal Chouhan, the then President Smt. Guddi Devi and the then Clerk Mahender Singh of Municipal Committee, Barwala were involved in siphoning off the above-mentioned funds alongwith Smt. Neelam proprietor of Orion Enterprises and her husband Mukesh Kumar. It is the case of the prosecution that on the basis of above-mentioned inquiry report, the FIR has been lodged and the investigation is in progress.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that she has been made a scapegoat with regard to misconduct committed by other officials. According to learned counsel for the petitioner in fact the entire process for payment of funds used to be followed at official's level and the petitioner was one of the signatory to the cheque. As per learned counsel for the petitioner the first signature on the cheque after undergoing the entire process were made by the Secretary Municipal Committee, and then by the petitioner being Chairman, but she has been projected as the main accused. The learned counsel for the petitioner has also argued that the petitioner being an old aged lady suffering from renal ailment is entitled for anticipatory bail. In support of his arguments, learned counsel for the petitioner has referred to



the orders passed by this Court in the case of *Radhe vs. State of Haryana in CRM-M-34110-2025* and *Rakesh Kumar Vs. State of Punjab in CRM-M-62324-2025*.

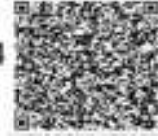
6. In addition to above, it has also been argued by learned counsel for the petitioner that the official who was responsible for the above-mentioned misconduct has already left the country and that the instant FIR has been lodged after a gap of more than 05 years. According to learned counsel for the petitioner in the given facts situation the petitioner is entitled for the benefit of bail.

7. The learned counsel for the respondent-State has controverted the above-mentioned arguments. It has been argued by learned counsel for the respondent-State that there are very serious allegations against the petitioner, with regard to her involvement in the activities of embezzlement of Government funds, and that custodial interrogation of the petitioner is necessary to dig out the truth with regard to offence. As per learned State counsel in the given facts situation if the right to interrogate the petitioner is denied, it will have an adverse impact upon the outcome of the petitioner.

8. It addition to above, it has also been argued by learned counsel for the respondent-State that the involvement of the petitioner in the commission of crime stands established, in view of the fact that she is a signatory to the cheques, and an inquiry has already been held by a high rank officer, wherein her fault has been established.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, there is no denial of the fact that;-



- (a) that the petitioner was Chairman of Municipal Committee, Uklana;
- (b) that an incident for embezzlement of funds had taken place in the Municipal Committee;
- (c) that the petitioner was signatory to the cheques which were issued by Municipal Committee, Uklana and facilitated the embezzlement;
- (d) that an inquiry has also been conducted by SDO, Civil Uklana.

11. If the above-mentioned facts and circumstances are taken into consideration it transpires that very serious allegations have been levelled against the petitioner and the direct nexus between the petitioner and the commission of offence is, prima facie, proved from the fact that the signature of petitioner on the cheques are not denied.

12. It shall not be out of place to mention here that remedy of anticipatory bail is an extraordinary remedy for a person who is accused of grave offence. With regard to such relief, the Hon'ble Supreme Court of India in the case of *Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282*, has observed that power to grant anticipatory bail is extraordinary power. In the above-mentioned case, it has also been held that irrespective of the fact that in a number of cases it has been held that bail is a rule but, it cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

13. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According

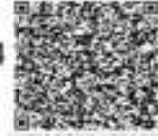


to Hon'ble Apex Court, when called upon to exercise the above said power, the Court concerned has to be very cautious, as the grant of such protection to the accused in serious cases may lead to miscarriage of justice, and hamper the investigation.

14. Similarly, in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)*, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

15. In the case of *Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565*, the Hon'ble Supreme Court of India has also held that:-

- i) the power under Section 438, Criminal Procedure Code, is of an extra-ordinary character and must be exercised sparingly in exceptional cases only.
- ii) the said power is not unguided or uncanalized but all the limitations imposed in the preceding Section 437, are implicit therein and must be read into Section 438.
- iii) in addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- iv) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.



16. As far as the precedents referred to, by learned counsel for the petitioner are concerned the same are not applicable to the facts and circumstances of the present case, in view of the fact that in none of the above-mentioned cases there was an issue with regard to embezzlement of public funds by a public servant.

17. As a sequel to above-mentioned observations, it is hereby held that in the present case in order to fix the role of petitioner in the commission of crime her custodial interrogation is of utmost importance and if this valuable right is snatched from the Investigating Officer it may have an adverse effect on the outcome of investigation. Thus, it is hereby held that the present petition is devoid of merits and deserves dismissal. The same is hereby dismissed, accordingly.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**30.09.2025**

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