



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

**CRM M-28624 of 2025
Date of Decision: 28.05.2025**

Rakesh Kumar ...Petitioner
State of Haryana ... Respondent
Versus

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rahul Yadav, Advocate, for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Mukesh Rao, Advocate, for the complainant.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 482 of the BNSS with a prayer to grant anticipatory bail to him in case FIR No.13 dated 16.04.2025 registered under Section 7 of the Prevention of Corruption Act, 1988 at Police Station ACB, Gurugram.
2. The FIR in the present case has been registered on the basis of the statement made by Sunny Yadav son of Sube Singh and the same has been reproduced below:-

“To, Station House Officer Police Station Anti Corruption Bureau Gurugram, Sir, I, Sunny Yadav son of Sh. Sube Singh resident of Village Bhakhari, Tehsil Narnaul, District- Mahendergarh, respectfully submit that I lodged a complaint No. 95/Gurugram before the

Anti Corruption Bureau on 26.04.2024. To, The Director, Anti Corruption Bureau, Head Quarter, Plot No. 1, Sector 23, Panchkula. Sir, The complainant is resident of village Bhankhari, Tehsil Narnaul, District Mahendergarh, who stated that while searching for employment, he learned about government assistance under the PMEGP scheme, which offers self-employment loans with a 35% subsidy and online forms were submitted accordingly. He applied online on the PGEGP Portal vide application ID No. IHY 236214-11998248 on 17.10.2023 and later received a message regarding the loan processing. He subsequently visited the DIC office at Nizampur Road, Narnaul, where he met Inspector Rakesh Yadav. Rakesh Yadav informed the complainant about a loan Rs. 10 lakhs and demanded Rs. 60,000/- in cash for facilitating its approval. Since the complainant is not very educated and needed a loan for employment, believing him to be an official, the complainant arranged the money and paid the said amount in the form of a bundle of 100 notes of Rs. 200 and a bundle of 80 notes of Rs. 500 i.e., total sum of Rs. 60,000/- in cash to the said Rakesh Yadav in his DIC office, which he claims to have recorded on his mobile phone and stored in a pen drive. I am submitting the recording in pen drive with the complaint. However, the loan was not sanctioned despite repeated follow-ups. The complainant alleges that Rakesh Yadav made repeated false assurances. I have now come to know that Rakesh Yadav had not received Rs. 60,000/- as fee for loan, rather he has committed fraud with me. When confronted, I told him that you are harassing me and I will file a complaint against you. He

then extracted an additional Rs. 14,000/- via mobile payment on 14.02.2024. Therefore, I want to take legal action against him. Rakesh Yadav has additional charge of District Mahendergarh and Faridabad and committed cheating of crores of rupees with peoples in the name of getting the loan passed from DIC, and helpless people fall into its trap. He owns several benami properties and got large loans sanctioned under the name of his family members, including his wife, children, brothers and nephews, using forged details and government subsidies to purchase 4-5 luxury vehicles and set up a workshop on Singhana Road, Narnaul, for which custodial interrogation of the said Rakesh Yadav should undertaken so that the benami property can be revealed. Hence, by submitting the complaint, it is requested that a case be registered against Inspector Rakesh Yadav DIC office Narnaul and he be given strict punishment under the law and the amount of fraud committed by Rakesh, in the name of a fee of Rs. 60,000/-should also be recovered from him. The initial complaint was submitted to ACB, Police Station Gurugram on 21.02.2024. A note was prepared by Inspector Parkash Chand and referred to ADGP ACB, Panchkula on 26.02.2024. The matter was considered and found that demand/acceptance of bribe for himself or for work with other Public servant in an offence under section 7 of PC Act. In this regard, it is requested to process the matter accordingly and register an FIR against Inspector Rakesh Yadav of DIC Nizampur Narnaul, after the analysis report of the said complaint, alongwith supporting documents marked correct, has been received. From the gist of the

complaint, attached pen drive, CD and documents, explanation of the complainant, it is found that Inspector Rakesh Yadav of DIC office Nizampur Road, Narnaul had taken a bribe of Rs. 60,000/- from the complainant in lieu of getting the loan passed. This act was found to be ex-facie criminal in nature. An FIR was prepared by Inspector Parkash Chand for registering a case against Inspector Rakesh Yadav of DIC office, Narnaul, under section 7 PC Act and was sent to ADG, ACB, Panchkula as per letter No. 170A/A.N.U. Gurugram dated 02.04.2025, from the office of S.P. ACB, Gurugram. In response, Mr ADG Corruption according to letter No. 6289/complaint/95/GGM/2025 dated 09.04.2025 from the Pachkula office, approved the complaint, which was received at ACB Gurugram for necessary action. Subsequently, the S.P. ACB Gurugram assigned the investigation to the Police Inspector. The case is being forwarded to the PS ACB Gurugram through EHC Ravinder Kumar 1270/Gurugram, for preparing a complaint under Section 7 P.C. Act against Inspector Rakesh, DIC Office, Narnaul, and for registering the case. Once the case is registered and the charge-sheet should be prepared, and the final case file alongwith original complaint should be sent to the Investigating Inspector. A Special report should be submitted to the Area Magistrate and other officers. The FIR registration was ordered via letter dated 17.03.2025, and the present FIR No. 13 dated 16.04.2025 was registered under section 7 P.C. Act, on 16.04.2025”.

3. Learned counsel for the petitioner contends that the complainant had alleged that he had applied for PMEGP loan on 17.10.2023 for “shuttering work based on forest”, which was to be established in a rural area, with a loan amount of Rs.10 lakhs, which was to be disbursed through the Punjab National Bank. The application was forwarded to the concerned bank by the authorities on 26.10.2023 and the bank had begun the process of loan on 30.10.2023. The work in question related to MSME Department and he had no connection with the matter in dispute at any stage, in any official capacity. The petitioner was working as Industrial Extension Officer in DIC Department, whereas, the complainant had applied for loan in MSME Department and both the departments are governed separately. He further contends that earlier also, the complainant had recorded a statement before the local police and levelled allegations of a payment of Rs.30,000/- out of which Rs. 14,000/- already stood refunded whereas a sum of Rs. 16,000/- remained outstanding. Even, there was a financial transaction between both the parties and by materially improving his allegations, the complainant got the present FIR registered against the petitioner. By referring to a complaint dated 10.07.2024 (Annexure P-6), learned counsel submits that the complainant had also filed a complaint against several individuals including S.S. Dhillon, Advocate and LHC Mukesh Devi. He also instituted a criminal complaint No. 42 dated 04.03.2024 in the Court

of ACJM, Narnaul, wherein, he alleged that Rs.30,000/- were paid to the petitioner in the presence of Ashok Kumar. Even, in the said complaint, it was alleged that an amount of Rs.30,000/- was paid to the petitioner, whereas in the FIR, the amount has been increased to Rs.60,000/-. Even, there were financial transactions between the petitioner and the complainant and the relative of the complainant had also stated that the complainant had falsely levelled allegations against the present petitioner. Even, the allegations levelled by the complainant have been inquired into by various authorities/local police and were found to be false. Even, the petitioner is suffering from a psychiatric disease, diabetes and blood pressure, which is apparent from his medical record and may be granted the concession of bail. Moreover, from the allegations levelled by the complainant in the FIR, it is established that the petitioner had not demanded or accepted any money from the complainant.

4. On the other hand, a status report has been filed by way of an affidavit of the Deputy Superintendent of Police, ACB, Gurugram and the same is taken on record.

5. Learned State counsel has vehemently argued that initially a complaint was submitted to Police Station, Anti Corruption Bureau, Gurugram on 26.02.2024 and after verification of facts, a report was prepared and referred to the Additional Director General of Police, ACB, Panchkula on 21.02.2025. The matter was examined and

after due consideration, it was found that the petitioner had demanded and accepted bribe for himself and the registration of the FIR was ordered against him. During investigation, it was found that the petitioner had demanded and accepted a sum of Rs.60,000/- from the complainant and on pressure from the complainant, the petitioner had returned the part payment of Rs. 14,000/- from the mobile phone of his mother Nirmala. Even, a screen shot of the above said transaction was annexed as annexure R-I. Learned counsel has further referred to the statement of complainant, recorded under Section 183 of BNSS (Annexure R-II) before the Court of Area Magistrate on 12.05.2025 and in the said statement also, the complainant had reiterated his allegations on oath. Even, the following evidence was collected against the petitioner:-

- “a. Complaint filed by the complainant.*
- b. Audio/video recording pertaining to demand/acceptance of undue advantage.*
- c. Screen shots of re-transferring of Rs.14,000/-.*
- d. Statement under Section 183 of BNSS of the complainant.*
- e. Transcription of the audio/video recording”.*

6. Learned State counsel further submits that in the present case, the petitioner is the main accused and his custodial interrogation is required to recover the documentary evidence and the amount of Rs.60,000/- from him. Even, the petitioner is working as an Inspector

in DIC Office, Narnaul and is in a position to influence the witnesses of the prosecution and the petition may be ordered to be dismissed.

7. I have heard learned counsel for the parties and have gone through the records with their able assistance.

8. In the present case, the prosecution has been able to collect sufficient incriminating evidence at this stage against the present petitioner. Even, the statement of the complainant has been recorded under Section 183 of the BNSS before the Court of Area Magistrate, in which he has levelled serious allegations against the petitioner. Moreover, the police has been able to collect audio/video recording, pertaining to demand and acceptance of the bribe money by the present petitioner. At this stage, in the considered opinion of the Court, the custodial interrogation of the petitioner is crucial to uncover the entire *modus operandi* and to identify the involvement of higher officials of DIC Department in the entire scam. Even, the allegations against the petitioner are quite specific and serious and this Court does not deem it appropriate to exercise the discretion in favour of the present petitioner.

9. In view of the above discussion, the present petition is ordered to be dismissed.

28.05.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No