



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

111

CRM-M-33910-2026

Veer Sain

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 06.07.2026**Date of Uploading : 07.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Siddharth Singh, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.288 dated 13.10.2025 registered for offences punishable under Section 7 of Prevention of Corruption Act, 1988 at Police Station Sadar Ballabgarh, Faridabad, Haryana.

2. The gravamen of the FIR reflects that a complaint has been made by complainant namely Narender Singh, a retired Junior Commissioned Officer of the Indian Army and proprietor of a vehicle repair workshop. As per the complainant, FIR No. 95 dated 12.03.2022 under Sections 379-B, 323, 506 and 34 IPC had been registered on his complaint and the petitioner, then serving as a Sub-Inspector in Haryana Police, was entrusted with the investigation thereof. A cross-case bearing FIR No. 96 dated 12.03.2022 was also registered against the complainant. It has been further alleged that while investigating the matter, the petitioner visited the office of the complainant on 06.04.2022 at about 7:15 PM and demanded illegal gratification. As per the complainant, under fear and coercion, he



paid an amount of Rs.10,000/-. It has been further alleged that after receiving the amount, the petitioner demanded an additional sum of Rs.20,000/- and also threatened the complainant to implicate him in false criminal case in case he disclosed it to anyone. It has been further alleged that the entire episode was captured in the CCTV cameras installed at the office of the complainant. Subsequently, the complainant made various representation(s) before the vigilance authorities which led to initiation of departmental proceedings against the petitioner and eventually upon receipt of a fresh complaint and supporting material, the impugned FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the allegations pertain to an incident allegedly occurred on 06.04.2022, whereas the FIR came to be registered only on 13.10.2025 after an unexplained delay of more than 03 years which shows that the same is an afterthought. Learned counsel has further iterated that an inquiry conducted by the Assistant Commissioner of Police which culminated into report dated 18.01.2023 has exonerated the petitioner of allegation of bribery in which it has been specifically recorded that the CCTV footage did not contain any audio recording which can establish the demand for illegal gratification. It has been further contended that once the inquiry officer has returned the findings in favour of the petitioner, the subsequent registration of the FIR, without any fresh evidence, amounts to abuse of process of law. It has been further contended that the report dated 17.03.2023 reversing the earlier findings was arbitrary, *mala fide* and legally untenable. In this regard, learned counsel has placed reliance on the judgment of the Hon'ble Supreme Court titled as *Neeraj Dutta v. State (Govt. of NCT of Delhi) and*



Madan Lal v. State of Rajasthan to contend that proof of demand and acceptance constitutes the *sine qua non* for offences under the Prevention of Corruption Act. According to learned counsel, the CCTV footage contains no audio recording and, therefore, cannot establish any demand. It has been further contended that the complainant remains the sole witness regarding the alleged demand and acceptance, there was no trap proceeding, no independent witness and no recovery of tainted currency. The prosecution case, therefore, rests only upon an interested witness on account of his involvement in earlier criminal proceedings. It has been further submitted that the petitioner has already undergone departmental proceedings and suffered punishment by way of withholding of increments and the initiation of criminal proceedings at this stage amounts to double harassment. Learned counsel has further contended that the petitioner is a retired police officer aged about 55 years; has fixed abode; deep roots in society & undertakes to cooperate with the investigation. Learned counsel has further asserted that the petitioner is willing to join the investigation as and when required, shall not tamper with evidence or influence any witness and shall abide by all the condition(s) imposed by the Court in case he is enlarged on pre-arrest bail. On the strength of these submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of petition in hand on the ground that the allegations are serious and directed against a police officer who allegedly exploited his official position to extract illegal gratification from the complainant whose criminal case was under investigation by him. It has been further iterated that the inquiry report relied upon by the petitioner cannot be treated as conclusive evidence



of innocence. According to learned State counsel, the departmental proceedings culminated in findings adverse to the petitioner and resulted in major punishment demonstrates that the allegations are not found to be false or baseless. Furthermore, an inquiry report is merely an administrative assessment and cannot substitute a criminal investigation undertaken pursuant to registration of an FIR. Learned State counsel has emphasized that the corruption by law enforcement officials strikes at the very foundation of public administration and must be viewed with utmost seriousness. Moreover, the custodial interrogation of the petitioner is required to examine the alleged receipt of illegal gratification and the material collected during departmental proceedings. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Devinder Kumar Bansal vs. The State of Punjab, 2025 INSC 320***, relevant whereof reads as under:

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

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.

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.”*

7. The allegations levelled against the petitioner are grave in nature. The petitioner, who was a police officer, was entrusted with investigation of a criminal case and as per the allegations, the petitioner has exploited the authority vested in him by law to obtain illegal gratification from the complainant whose liberty and legal rights have been directly affected by the investigation under his control. Such allegations, if established, constitute a serious abuse of public office and undermine public confidence in the criminal justice system. The contention raised on behalf of the petitioner is with regard to absence of proof regarding demand and acceptance. The allegations against the petitioner pertain to offences under the Prevention of Corruption Act, 1988 which by their very nature are serious and grave. Corruption by a public servant is not merely an offence against an individual but constitutes an offence against the society at large eroding public confidence in the administration. Thus, the Courts are, therefore, required to exercise a greater degree of caution while considering the grant of anticipatory bail in such cases. From the perusal of the record,



it emerges that the petitioner has misused his official position and has demanded illegal gratification during the investigation of the case. At this stage, the material collected during investigation cannot be brushed aside as vague or baseless. The contention that the petitioner is innocent and there is no direct demand or acceptance of illegal gratification is a matter of trial and requires appreciation of evidence and not to be considered at the stage of consideration for plea for grant of anticipatory bail. At this stage, the Court is only required to see whether the allegations, if taken at face value, disclose the commission of a cognizable offence and whether custodial interrogation is necessary for effective investigation. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is necessary to ascertain the complete details and trace the money trail.

8. Economic offences and offences related to corruption erode public trust and, therefore, the Court(s) are required to exercise caution while extending the concession of anticipatory bail. Given the nature of the offence, this Court is not inclined to grant pre-arrest bail at this stage as it would impede the investigation. Furthermore, the plea of false implication raised by the petitioner is a disputed question of fact and requires appreciation of evidence, which cannot be adjudicated upon at this stage. The same can only be adjudicated upon the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, granting anticipatory bail at this stage is likely to hamper the on-going investigation. The allegations raised against the petitioner reflect that he has used the authority vested in him as a police officer to exert pressure upon the complainant. Such allegations, if proved during trial, would amount to



misuse of public office and corruption. Furthermore, the departmental proceedings have already been conducted against the petitioner and punishment had been imposed. Although departmental findings are not conclusive proof of guilt in a criminal case but shows that the allegations were not found to be completely baseless. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wider impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that a *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appears to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to



a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

9. Considering the nature and seriousness of the allegations, the specific role assigned, the stage of investigation as also the necessity of custodial interrogation for verification of facts, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 06, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No