

CRM-M-33101-2026 (O&M)

CNR No: PHHC010993452026

127

CRM-M-33101-2026 (O&M)

JORA SINGH

versus

STATE OF HARYANA

Present:- Mr. Shivansh Malik, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner, in case bearing FIR No.17 dated 07.12.2025, registered for the offences punishable under Sections 7 and 7A of the Prevention of Corruption Act, 1988 and Sections 61(2) & 308(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station State Vigilance & Anti-Corruption Bureau, Panchkula.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:

“I, Nitin, son of the late Shri Rajesh Kumar, resident of village Aasan, District Rohtak, and currently residing in a rented house at House Number 68-G, Ground Floor, Dream Home, Kishanpura, Dhakoli, work in house maintenance. On 05.12.2025, I was travelling from Jind to Panchkula in my car when on the way. I received a call on my mobile phone number 9068134567 from a person named Paras calling from his mobile phone number 9779115214. Paras informed me that the E.O. Wing, Sector-12, Panchkula Police had detained a person named Abhishek and my friend Rahul Aggarwal, a resident of City Heights, Peer Muchalla, Dhakoli, District Mohali, in connection with a loan fraud case.

Paras also told me that he was with Rahul and the Investigating Officer (L.O.) of the case is Sub-Inspector Zora Singh. He mentioned that if Rahul pays 7 lakh rupees, a weak case would be prepared against him to help him out, ensuring his quick release and that he would not be subjected to physical assault. If the 7 lakh rupees are not paid, multiple additional cases will be registered against Rahul. Paras then made me talk to Rahul through his own phone, who somehow requested me to arrange the 7 lakh rupees and hand it over to Zora Singh through Paras. At that time, I gave evasive answers to Paras to put him off, but he kept calling me repeatedly and also made me talk to Rahul. Consequently,

CRM-M-33101-2026 (O&M)

yesterday I went to the E.O. Wing, Sector-12, Panchkula, where Paras introduced me to Rahul, who was in police custody. Rahul told me that he had also asked several other acquaintances through Paras's phone to arrange money so that the 7 lakh rupees could be given to the police. Promising to return it to me later, he asked me to arrange 1.50 to 2 lakh rupees and give it to Paras.

Paras also introduced me to 1.0. Zora Singh, who told me to go outside and settle the arrangement with Paras. Upon continuous pressure from Paras, yesterday I handed over 50 thousand rupees to Paras outside the E.O. Wing, who, right in front of my eyes, went inside and gave it to an employee named Narendra Singh. After that, Paras told me that he was initially trying to settle Rahul's matter for just 3 lakh rupees, but Rahul did not listen to him, and now he will have to pay 7 lakh rupees. Out of this, a recovery will be shown against Rahul, and the remainder will be the police bribe.

When I expressed my inability to pay more money, Paras asked me to pay 1.50 to 2 lakh rupees in instalments, out of which Paras has called me today to bring 75,000/- rupees. Rahul's father passed away about one to one and a half months ago, and I do not feel this injustice against him is right. I do not want to give this bribe to the police and Paras, and want to catch them red-handed. I have also recorded Paras, which I will present to you later. Legal action should be taken.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 02.04.2026. Learned counsel for the petitioner (*herein*) has been falsely implicated into the FIR in question. Learned counsel has urged that bribe money has been recovered from the co-accused – Paras Aggarwal. Learned counsel has further urged that, in any case, challan (upon culmination of investigation) has been filed and conclusion of the trial will take long. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by iterating that the petitioner was serving as a Sub Inspector of police and allegations raised against the petitioner are direct/ serious in nature. Learned counsel has further argued that the petitioner, in case released on regular bail, is in a position to tamper with prosecution evidence; especially intimidating the FIR-complainant. Thus, dismissal of the petition in hand is prayed for. Learned State counsel seeks to place on record the custody certificate dated 25.08.2026, in Court today, which is taken on record.

CRM-M-33101-2026 (O&M)

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

6. The petitioner was arrested on 02.04.2026 whereinafter investigation was carried out and challan *qua* the petitioner was presented on 26.05.2026. Total 28 prosecution witnesses have been cited, but none has been examined till date. The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 25.08.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 months and 23 days, & is not shown to be involved in any other FIR(s).

Keeping in view the entirety of the factual *milieu* of the case in hand; especially factum of challan (upon culmination of investigation) having been filed, total 28 prosecution witnesses having been cited *whereas* none has been examined till date and the petitioner, being not involved in any other case; this Court is inclined to afford bail to the petitioner, for the present.

7. There is another aspect *nay* vital aspect of the matter which craves for attention of this Court.

CRM-M-33101-2026 (O&M)

7.1. There is no gainsaying that the powers of the High Court under Section 528 of BNSS, 2023 are powers which are unbridled, unfettered and plenary in nature aimed at securing the ends of justice. The inherent powers of a High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to a High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), a High Court would have form but lack the substance. These powers of a High Court hence deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of a High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of a High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance

CRM-M-33101-2026 (O&M)

with law, in a regular, orderly and effective manner. In other words; Section 528 of BNSS, 2023 reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice *nay* substantial justice between the parties and to secure the ends of justice.

At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case of ***Sanjay Dubey vs. The State of Madhya Pradesh and another, 2023 AIR Supreme Court 3263***, relevant whereof reads thus:

“10. Having given the matter our anxious and thoughtful consideration, though the appellant may have a point that, *stricto sensu*, in a petition under Section 439 of the Code, the concerned Court ought not to travel beyond considering the specific issue viz. whether to grant bail or reject bail to an accused in custody, it cannot be lost sight of that the Court concerned herein was not a ‘Court of Session’ but the High Court for the State of Madhya Pradesh, established under Article 214 of the Constitution of India (hereinafter referred to as the “Constitution”).

11. This singular fact, for reasons elaborated hereinafter, leads us to decline interfering with the Impugned Judgment, but for different reasons. We have no hesitation in stating that had the Impugned Judgment been rendered by a Court of Session, the factors that would have weighed with us would be starkly different.

12. A little digression is necessitated. The High Court is a Constitutional Court, possessing a wide repertoire of powers. The High Court has original, appellate and suo motu powers under Articles 226 and 227 of the Constitution. The powers under Articles 226 and 227 of the Constitution are meant for taking care of situations where the High Court feels that some direction(s)/order(s) are required in the interest of justice. Recently, in *B S Hari Commandant v Union of India, 2023 SCC OnLine SC 413*, the present coram had the occasion to hold as under:

“50. Article 226 of the Constitution is a succour to remedy injustice, and any limit on exercise of such power, is only self-imposed. Gainful reference can be made to, amongst others, *A V Venkateswaran v. Ramchand Sobhraj Wadhwani, (1962) 1 SCR 573* and *U P State Sugar Corporation Ltd. v. Kamal Swaroop Tandon, (2008) 2 SCC 41*. The High Courts, under the Constitutional scheme, are endowed with the ability to issue prerogative writs to safeguard rights of citizens. For exactly this reason, this Court has never laid down any strait-jacket principles that can be said to have “cribbed, cabined and confined” [to borrow the term employed by the Hon. Bhagwati, J. (as he then was) in *E P Royappa v. State of Tamil Nadu, (1974) 4 SCC 3 : AIR 1974 SC 555*] the extraordinary powers vested under Articles 226 or 227 of the Constitution. Adjudged on the anvil of *Nawab Shafiq Ali Khan (supra)*, this was a fit case for the High Court to have examined the

CRM-M-33101-2026 (O&M)

matter threadbare, more so, when it did not involve navigating a factual minefield.”)

13. Returning to the present case, though usually the proper course of action of the High Court ought to have been to confine itself to the acceptance/rejection of the prayer for bail made by the accused under Section 439 of the Code; however the High Court, being satisfied that there were, in its opinion, grave lapses on the part of the police/investigative machinery, which may have fatal consequences on the justice delivery system, could not have simply shut its eyes.”

7.2. Time and again, this Court has observed a deeply concerning trend wherein public servants, upon being enlarged on Anticipatory bail/Regular bail during the pendency of trial for offence(s) under the Prevention of Corruption Act, are usually reinstated into active service. This situation assumes an alarmingly prejudicial dimension when such reinstatement results repatriation/posting of the accused to the very same department, office or geographical jurisdiction that forms direct subject matter of ongoing criminal prosecution. Pertinently, such ill-considered administrative actions carry an inherent and grave propensity for the accused to abuse their official clout, tamper with crucial documentary/oral evidence, coerce the prosecution witnesses, and fundamentally subvert the course of fair and impartial trial. While this Court remains cognizant that the adjudication of suspension, reinstatement and subsequent place of posting falls primarily within the administrative domain and discretionary realm of employer/concerned department, this Court cannot be remain oblivious to ground realities where administrative oversight directly undermines the administration of justice. This hazard is magnified when an accused public servant belongs to a law enforcement/investigating agency and is reinstated to the sensitive post, thereby affording him/her unhindered access to sensitive records and subordinate personnel involved in the very case against

CRM-M-33101-2026 (O&M)

him/her. Recognising the gravity of this systemic malady, and before further delving into these issue(s), the Chief Secretary, Haryana is hereby directed to file a comprehensive and detailed response outlining the framework, standard(s) of procedure, service rule/regulations/guidelines etc. governing the reinstatement of such public servants. The response must, specifically elucidate whether existing protocols mandate mandatory consultation with the prosecuting agency or the trial Court before revoking a suspension and how the officer/authority directing for reinstatement assess the unquantifiable threat of witness tampering or record manipulation.

8. In view of the above prevenient ratiocination, this Court deems it appropriate to ordain, thus:

(I) The petitioner is ordered to be released on **interim regular bail**, till the next date of hearing before this Court, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

CRM-M-33101-2026 (O&M)

In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State shall be at liberty to move for cancellation of interim regular bail of the petitioner;

(II) The Chief Secretary, Haryana is directed to file an affidavit, 03 days before the next date of hearing, with an advance copy to learned counsel for the petitioner, as regards the issue(s) in Para-7.2 (*ibid*).

9. Put up on **28.09.2026**.
10. Be taken up in the urgent cause list.

(SUMEET GOEL)
JUDGE

August 27, 2026
mahavir