



2026.PHHC:002751



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Dheeraj

....Petitioner

V/s

State of Haryana and another

....Respondents

Date of decision: 13.01.2026

Date of Uploading : 13.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Ms. Mahima Yashpal, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.34 dated 09.09.2025, registered for the offences punishable under Sections 420, 120-B, 467 and 468 of the IPC and Sections 13(1)(d)(ii), 13(1)(d)(iii) of the Prevention of Corruption Act, 1988, at Police Station ACB, Gurugram, District Haryana.

2. The gravamen of the FIR pertains to vigilance enquiry conducted by the Anti-Corruption Bureau, Haryana, wherein it was found that several NCC certificates were illegally procured for ineligible candidates by preparing and verifying forged enrollment documents. The case of the prosecution, as outlined in the FIR, is that an enquiry bearing No.01 dated 22.11.2023 was received by Inspector Ved Prakash through Letter No.63/71/2023-1 CH1 dated 17.11.2023 and Letter No.19220/1-

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2/SVB dated 23.11.2023 issued by the Director General, Vigilance Bureau, Haryana. Based on this, an enquiry was conducted and a report was submitted to the Head Office of the Anti-Corruption Bureau (ACB), Haryana. The matter was again referred to Inspector Ved Prakash vide Letter No.10597/1-2/ACB dated 06.06.2025. The enquiry revealed allegations of irregular issuance of NCC certificates at Ahir College, Rewari. It was found that several cadets were wrongly shown as students of Ahir College and were illegally granted NCC certificates. It was alleged that cadet Sunil (HAR/SD/2010/24092) was shown as appointed as Assistant Professor in the BCA Department from 01.09.2010 to 10.04.2012. Cadet Uttam Singh (HAR/SD/2010/24094) is the real brother-in-law of the then NCC Officer, Dhiraj Sangwan (petitioner herein). Cadet Jasbir Singh (HAR/SD/2010/24096) is a close relative of Dhiraj Sangwan (petitioner herein). Cadet Hemant (HAR/SD/2010/24109) was granted an NCC certificate by Dhiraj Sangwan (petitioner herein) despite not being a student of Ahir College. He was actually studying at a Polytechnic in Hisar. During the course of enquiry, it was found that cadets Sunil, Uttam, Ashish Sangwan and Hemant were wrongly issued NCC "B" Certificates and Jasbir was granted an NCC certificate on the basis of false enrollment details. Although their enrollment forms represented them as students of Ahir College, they were in fact not students of that college. The record relating to cadet Hemant was also found to be missing. It was further found that the then Associate NCC Officer (ANO), Dhiraj Sangwan (petitioner herein), was posted at Ahir College from 01.08.2008 to 31.08.2008. The co-accused Omkar Singh, served as Principal of Ahir College from 01.01.2013 to 31.03.2019. The said Omkar Singh was also an authorized signatory as a



senior professor from 2010 to 2012 and had signed the enrollment forms of the concerned NCC cadets. After detailed enquiry, it was concluded that ANO Dhiraj Sangwan (petitioner herein), in collusion with co-accused Omkar Singh, misused their official positions. They prepared and verified false and forged enrollment documents for cadets who were not bona fide students of Ahir College and, in certain cases, over-aged, therefore, rendering them ineligible. On the basis of these forged documents, NCC certificates were illegally obtained for the said cadets. Based on these set of grave allegations, the present FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has vehemently argued that the petitioner has no statutory role in enrolment, verification or issuance of NCC certificates and such powers vest exclusively with the Commanding Officer under the NCC Act and Rules. Learned counsel has further iterated that the petitioner was merely performing administrative coordination. Furthermore, the present FIR is a counter-blast to earlier criminal proceedings initiated against the complainant namely Gajender Singh. According to learned counsel, once a Court of competent jurisdiction has already held that registration of an FIR was not warranted in the peculiar facts and circumstances of the case, the subsequent registration of the present FIR on the same set of allegations is wholly unjustified and unsustainable in law. Learned counsel has further iterated that no pecuniary benefit has been attributed to the petitioner. Learned counsel has further argued that in the absence of compliance with Section 17-A of the Prevention of Corruption Act, the present FIR is not maintainable. Learned counsel asserts that the petitioner is ready to join the investigation and hence



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no useful purpose would be served by sending him behind the bars. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail by arguing that the allegations against the petitioner are serious in nature and forgery of official documents as also wrongful issuance of NCC certificates to ineligible candidates. According to learned State counsel, the enquiry revealed that several candidates were issued NCC “B” certificates on the basis of forged and fabricated enrollment forms. Furthermore, it has been found that these candidates were neither students of Ahir College nor eligible for enrollment. Learned State counsel has further iterated that the allegations are grave and well-supported by documentary evidence, thereby playing a crucial role in preparation of forged documents and abuse of official position. Learned State counsel has further iterated that the custodial interrogation of the petitioner is necessary to unearth the conspiracy, trace the source of forged records and identify the involvement of other persons. He has emphasized that in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and adversely effect the efforts to apprehend the remaining co-accused. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

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. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner, pertaining to forgery of official documents and wrongful issuance of NCC certificates to ineligible persons. It is well settled that anticipatory bail is an extraordinary discretionary relief, to be granted only in exceptional circumstances. In cases involving allegations of corruption, forgery and abuse of official position, the Courts are required to exercise greater circumspection, particularly at the stage of investigation. The enquiry report *prima facie* discloses that the concerned candidates were not students of Ahir College, Rewari, while some of them were over-aged and were closely related to the



then ANO i.e. the petitioner. The contention of the petitioner that he has no statutory role in enrolment or issuance of NCC certificates cannot be conclusively adjudicated at the stage of anticipatory bail. The allegations against the petitioner are that he has allegedly facilitated, coordinated with the process that enabled illegal enrolments. In the considered opinion of this Court whether such facilitation amounts to criminal complicity is a matter that requires thorough investigation.

8. The plea that the petitioner was only performing administrative duties and lacked statutory authority does not *ipso facto* absolve him of criminal liability at this stage. Criminal conspiracy and abetment do not necessarily require statutory decision-making power. The active participation or facilitation with knowledge of illegality is sufficient to attract penal consequences, which is a matter to be examined during investigation. The plea that the FIR is a counter-blast to earlier proceedings against the complainant is also a disputed questions of fact, which cannot be gone into at the stage of consideration of plea for anticipatory bail. Furthermore, the mere existence of prior litigation between parties does not, by itself, render the present FIR *mala fide*. The offences alleged involve public faith in NCC certificates, which have implications for employment, admissions and public service. Such allegations cannot be lightly brushed aside on the ground that no direct pecuniary gain has yet been established. The submission that the case is documentary in nature and that no recovery is to be effected does not, by itself, negate the necessity of custodial interrogation. The stand of the investigating agency before this Court is that the custodial interrogation may be required to trace the chain of events, identify other beneficiaries, uncover the modus operandi and ascertain the



precise role played by the petitioner and other accused persons. It is also a matter of record that the earlier petition of the petitioner for grant of anticipatory bail has already been dismissed by the Court below and no accentuating/substantial change in circumstances has been shown warranting interference by this Court at this stage.

9. Furthermore, the present FIR has been registered on the basis of an independent vigilance enquiry conducted by a competent authority. Moreover, the private complaint has not yet culminated into any finding on merits. Thus, the registration of an FIR on the basis of such enquiry cannot be said to be illegal or impermissible. The submission of the petitioner that no offence is made out as the certificates were allegedly not used does not impress this Court. The offence of forgery, conspiracy and criminal misconduct stands attracted the moment forged or fabricated documents are prepared or knowingly verified. The actual use of such documents for deriving benefit is not a *sine qua non* for the commission of these offences.

10. The investigation is at a nascent stage and involves multiple accused, institutional records and alleged collusion between public servants. Custodial interrogation of the petitioner may be necessary to ascertain the extent of his involvement, the manner in which forged documents were processed and the role of other persons. It is well settled that anticipatory bail is an extraordinary remedy and is not to be granted as a matter of course, particularly in cases involving serious economic offences, corruption, and abuse of official position. Grant of such relief at this stage may adversely affect a fair and effective investigation. In the considered opinion of this Court, at the stage of considering the plea for anticipatory bail, the Court is not to evaluate the evidence but only to see whether *prima*



facie allegations disclose a serious offence. No cause *may* 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 goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object, inflicted multiple injuries upon the complainant party.

11. 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 interest(s). 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 wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established 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 information 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.”

12. Considering the seriousness of the allegations, the nature of offences involving corruption and forgery, the stage of investigation and the necessity of custodial interrogation for a fair and thorough investigation, 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.

13. 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

January 13, 2026
Ajay

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