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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(102)

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Date of decision: 16.04.2026

Dushyant

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.03 dated 10.01.2026 under Sections 127(2), 201, 212(a), 217, 233, 3(5), 61 BNS and Sections 7, 7A, 13(1)(b) PC Act (Sections 308(4), 308(5) BNS and Section 13(1)(b) PC Act added later on) registered at Police Station Gohana City, District Sonipat.

2. The present FIR came to be registered on the basis of the investigation by an SIT and reads as under:-

SIT Case No. 462 Date 10.12.2025 Police Station City Gohana Sent Hon'ble Deputy Commissioner of Police Gohana. Report regarding corruption committed by Inspector Arun Kumar, ASI Sandeep 191/Sonipat, HC Basau 851/Sonipat, CT Dushyant 523/Sonipat.

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No. 54/ACP/MHN dated 10.01.2026 Mr. According to the letter number 23-28/R DCP/GHN/DATED 09/01/2025 from the office of District Police Deputy Commissioner, Gohana, in case number 462 dated 10.12.2025, Section 274, 275, 318(4), 125, 61(2) BNS, 63 COPY RIGHT ACT, SIT team was formed in PS CITY GOHANA. Under my supervision, SIT team members Manager Officer Mohana, P/SI Jitendra Research Officer Police Station Mohana, SI Mohit 2300/Sonipat Cyber Cell Gohana have been appointed. For further investigation of the case, two accused in the police file and charge sheet, Nand Kishore alias Naresh son of Balle Ram resident of House No. 573, Rajendra Nagar Jind and Anand son of Omprakash resident of House No. 1264/7 Shyam Nagar Jind Police Station City Jind were brought to Police Station Mohana by SI Sabbal/Sonipat in-charge Police Post Samta and handed over to SIT. The accused were questioned by the SIT in connection with the charges. The above mentioned accused Nandkishore alias Naresh told during interrogation that he was arrested earlier in case no. 218 dated 05.11.2024 under sections 318(4), 319(2), 336(3)(4), 340(2), 341(2)(3)(4), 350(2), 274, 275, 3(5), 61(2) BNS, 63, 54 COPY RIGHT ACT at Police Station Kaim Grach, Delhi in connection with making fake ghee and in this case his co-accused Anand son of Om Prakash Yaasi, house no. 1264/7 Shyam Nagar Jind, Rohit Agarwal, Hrithik Khandelwal, Sanjay Bansal residents of Delhi were also arrested. Accused Nandkishore came out on bail from Tihar Jail, Delhi on 22.04.2025. After coming out, he started supplying grocery items from his Eco vehicle number HR14Q-2186 and about 2-3 months ago, he took a rented house on Bhanburi Road in town Uchana Jind and started manufacturing fake ghee in it, in which 80 percent shareholder was Nandkishore, 10 percent

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shareholder was Anand Wasiyan Jind and 10 percent shareholder was Joginder resident of village Barsola Jind, whose main head is Nandkishore alias Naresh. On 10.12.2025, Nandkishore alias Naresh loaded fake desi ghee brand Vita in an Ertiga vehicle number HR 225 7104 and sent it to Rohtak, which was caught by the police party of City Police Station Gohana near Mahadev Resort, in which the driver Sunil son of Pratim Singh resident of Gurdwara Colony Rohtak Road, District Jind was arrested, who was produced before the Honorable on 11.12.2025 and sent to district jail of Sonipat. During the investigation, accused Nandkishore alias Naresh was arrested on 11.12.2025 and produced before the court on 12.12.2025 and taken on two days police custody remand. During the investigation, as per the confession of accused Nandkishore, the names of Kalu Pandit resident of Jhajjar, Sanjay Pasrija resident of New Delhi, Gaurav Jindal resident of Naharpur Rohini Delhi were written. On 08.01.2026, production warrant of accused Nandkishore was issued from the honorable court and he was again taken on police custody remand for two days. After which today on 09.01.2026, accused Nandkishore was interrogated by the SIT team, who told that he used to buy empty pouches of Bota Ghee from Arman Ban resident of New Delhi and the fake ones were brought by Naveen resident of Narnaul Shivkumar Yasi Rohtak Sahil. A resident of Hisar supplied to Chirag Gandhi, a resident of Samalkha, Panipat, and Dinesh, a resident of Karnal. On December 10, 2025, Nandkishore alias Naresh and Anand The above mentioned were taken from their house by ASI Sandeep 191/Sonipat, resident of Si Basau 851/Sonipat and Si Dushyant 523/Sonipat in a black coloured car to City Police Station Gohana and were kept in City Police Station Gohana. On

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11.12.2025. Nandkishore was arrested and Joginder was also brought to City Police Station Gohana and in the evening, Anand and Joginder gave Rs. 14 lakhs through Rajesh Sharma, resident of Gohana and Joginder gave Rs.5 lakhs through Rajesh Sharma to ASI Sandeep 191/Sonipat, resident of Shi Basau 851/Sonipat and Si Dushyant 523/Sonipat. The money transaction also took place through Rajesh Sharma, in this context a video of the interrogation of the arrested accused Anand son of Omprakash Yaasi, house no. 1264/7 Shyam Nagar Jind was prepared, which is attached with the pen drive report of the video. On 12.12.2025, Nandkishore was produced before the honourable court and taken on two days police custody remand, in which the names of Kalu Pandit resident of jhajjar, Sanjay Pasrija resident of New Delhi, Gaurav Jindal resident of Naharpur Rohini Delhi were deliberately written in the Fard Iqsaf by Arun Kumar Inspector 24/Guruyam, the then SHO of Police Station City Gohana and ASI Sandeep 191/Sonipat Police Station City Gohana, in order to mislead the officers and for their personal interests, as part of a conspiracy, about whom the above mentioned accused Nandkishore alias Naresh and Anand do not know anything. The investigation of the case was being carried out by P/SI Gulshan of City Police Station Gohana and ASI Sandeep 191/Sonipat, HC Basau 851/Sonipat and SI Dushyat 523/Sonipat of City Police Station Gohana were involved in the investigation and in this regard the clarification of P/SI Gulshan of City Gohana was taken. He told that he is a newly appointed investigation officer and the documents related to the case were prepared and given to him by Inspector Arun Kumar 24/Gurugram, the then SHO of City Police Station Gohana and ASI Sandeep 191/Sonipat and he considered them appropriate and signed them due to lack of knowledge. During

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the investigation, P/SI Gulshan had taken the accused Nandkishore only to the factory mentioned by the accused in Uchana Kala. Apart from this, all the proceedings related to the case like interrogation of the accused and raids at other places were carried out on the instructions of Inspector Arun Kumar (29)/Gurugram, then SHO, City Police Station, Gohana, by ASI Sandeep (191)/Sonipat, HC Basau (851)/Sonipat. Si Dushyant (523)/Sonipat, who in connivance with Inspector Arun Kumar (29)/Gurugram, then SHO, City Police Station, Gohana, ASI Sandeep (191)/Sonipat, HC Basau (851)/Sonipat, SI Dushyant (523)/Sonipat, City Police Station, Gohana, and middleman. Rajesh Sharma, resident of Gohana, have committed corruption and have deliberately prepared erroneous documents in the investigation of the above mentioned case so that the criminals involved in the case could benefit, whose misdeeds have tarnished the image of the police department. It is recommended to register a case against them under the relevant sections of the Prevention of Corruption Act and BNS. SD JITENDER PSI Jitendra Police Station Mohana SIT Member 10.01.2026 SD MOHAN Inspector Mohan Singh Manager Officer Police Station Mohana SIT Member 10.01.2026 SD DEVENDER Shri Devendra Singh HPS ACP Mohana SIT Incharge 10.01.2026.

3. During the investigation witness Sheetal Jain and Nitin Kumar were joined in the investigation and were interrogated. Their statements under Section 180 BNSS were recorded, and their statements were also got recorded before the Court under Section 183 BNSS.

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During further investigation, the record of the nominated accused (police officials) from the office of Sena Clerk, Gohana was obtained. The SHO/Manager Police Station City Gohana was directed to preserve CCTV footage installed in Police Station City Gohana from 10.12.2025 to 15.12.2025. The SDO Rest House, Gohana was directed to preserve CCTV footage installed in the Rest House premises from 10.12.2025 to 15.12.2025.

During further investigation, correspondence was made with Cyber Cell Sonipat to obtain CDR, IPDR, CAF ID and location details from 01.11.2025 to 13.01.2026 of mobile numbers: 7419410544, 9910681864 (Inspector Arun Kumar), 8168399054 (Suman, wife of Inspector Arun Kumar), 8685001200 (Constable Dushyant), 9671349502 (Nitin Kumar, Narnaul), 9813037507 (Shiv Kumar, Rohtak), 9729857675 (Sheetal Jain son of Anand Jain), 8708863327 (ASI Sandeep Kumar), 8708332256 (Anand Jain), 9467541382 (Jogendra, Jind), 8307498696 (Sandeep @ Sonu, tea vendor, Jind), 7419237680 (Nand Kishore @ Naresh Kumar), 8683960000 (Rajesh Sharma), 8295703634 (Ashu Singla), 9671905922 (Deepak Sharma).

During investigation on 24.01.2026 witnesses Ankit Jindal son of Rakesh Jindal and Sachin Jain son of Virender Jain were joined in the investigation and were interrogated. Their statements under Section 180 BNSS were recorded.

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On 27.01.2026 Witness Dinesh Singla son of Dev Dayal, resident of Footi Tarawadi, appeared and got his statement recorded under Section 180 BNSS. He produced CCTV footage of his godown for the evening of 14.12.2025 in a pen drive along with photographs of the rear side of vehicle No. HR33GJ-0405. These were taken into police possession. Upon examination of the pen drive, it was found to contain 3 video clips. On viewing all three clips, it was observed that they were from different cameras installed in the godown of the producer Dinesh Singla. In the footage dated 14.12.2025 at 06:04 PM, Constable Dushyant is seen arriving at the godown in his private vehicle No. HR33GJ-0405 along with two other persons, and after checking the godown, at 06:10 PM he is seen leaving along with the accompanying persons.

During further investigation, the roznamcha entries regarding departure and arrival of ASI Sandeep No. 191/Sonipat, HC Basau No. 851/Sonipat, CT Dushyant No. 523/Sonipat, and Inspector Arun Kumar (then SHO, Police Station City Gohana) for the period from 09.12.2025 to 15.12.2025 were obtained.

On 28.01.2026 witness Chirag Gandhi son of Vasudev, resident of Rakseda, presently residing at House No. 365, Panchvati Colony, near Gurudwara, Samalkha, District Sonipat, was examined and his statement under Section 180 BNSS was recorded and his statement under Section 183 BNSS was also got recorded before the Court as per which the name of the

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petitioner/accused Ct Dushyant has been mentioned with the allegation of demand and acceptance of bribe.

During further investigation CCTV footage of Police Station City Gohana for the period from 10.12.2025 to 15.12.2025 was produced by Computer Operator Constable Vikas No. 2571/Sonipat in a hard disk. The same was taken into police possession vide seizure memo. Signatures of the producer were obtained, and a certificate under Section 63B of the Indian Evidence Act was also obtained. Upon examination of the hard disk, it was found that it contains a total of 5 folders, which include video footage from 10.12.2025 to 14.12.2025.

On 29.01.2026 witnesses Sunil Saini son of Darshan Lal and Sandeep Sonu son of Rambhaj were interrogated. Their statements under Section 180 BNSS were recorded, and their statements under Section 183 BNSS were got recorded before the Court.

On 17.02.2026, co-accused Sandeep son of Ramehar, resident of Khadwali, District Rohtak, was apprehended and was formally arrested. During personal search, one car make Verna (black colour, registration number unknown), one mobile phone make Vivo, one mobile phone make Samsung, and Rs.500/- were recovered. On the basis of his disclosure statement and investigation, co-accused Gulshan (P/SI in Police Department, District Sonipat), was joined in investigation, interrogated and formally arrested.

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During investigation, it was found that the abovesaid vehicle was already in police possession in case FIR No.21/2026, Police Station Baroda. As per disclosure statement, accused Sandeep also pointed out the place (parking area in front of Community Hall-7, Gohana) where an amount of Rs.1,00,000 was exchanged between him and accused Gulshan.

On 22.02.2026, co- accused Sandeep, in accordance with his disclosure statement dated 21.02.2026, got recovered Rs.1,50,000 (in Rs.500 denomination notes) from an almirah kept in a room used as a store in his residential house located in village Khidwali. The same was taken into police possession as evidence vide seizure memo, and a video was prepared under e-evidence.

On 27.02.2026, accused Sandeep got recovered the vehicle used in the commission of the offence, bearing registration No. HR-11Q 7879, make Mahindra Scorpio, black in colour. The copy of the RC was produced by the registered owner Amit son of Jai Bhagwan, resident of Chidana, District Sonipat.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He was posted as a Constable at Police Station City Gohana and was not the investigating officer in either FIR No.462 of 2025 or FIR No.03 of 2026. The entire allegation in the FIR traces the corruption to Inspector Arun Kumar and ASI Sandeep who controlled the investigation, prepared documents and orchestrated the financial transaction through middle-man Rajesh Sharma. SI

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Gulshan has disclosed that the then SHO/Inspector Arun Kumar had told the newly appointed investigating officer SI Gulshan that all the investigative papers in FIR No.462/2025 were prepared by him and ASI Sandeep and that SI Gulshan merely appended signatures. If the investigating officer's role is derivative and subordinate to that of Inspector Arun Kumar, the petitioner who is a mere Constable cannot be attributed any significant role. Undue reliance has been placed upon the statement of Chirag Gandhi recorded under Section 183 BNSS by the concerned Judicial Magistrate in which he has implicated the petitioner in the demand and acceptance of Rs.2,50,000/-. The statement of such a witness would have little evidentiary value he being an accused himself. Further, the call detail records and location data to hold that the petitioner was present at Samlakha on 10.12.2025 between 6:00 p.m. to 7:00 p.m. does not lead to the assumption that he had participated in the act of the demand and acceptance of illegal gratification. As the petitioner is ready and willing to join the investigation, he be granted the concession of anticipatory bail.

5. The learned State counsel, on the other hand, has filed a reply dated 15.04.2026 which is taken on record. While referring to the said reply, he contends that the statement of Chirag Gandhi has been recorded under Section 183 BNSS wherein the role of the petitioner of demanding and accepting the illegal gratification has been clearly enumerated. Further, the presence of the petitioner at Samalkha on 10.12.2025 between 6:00 p.m. to 7:00 p.m. is established from the CDRs and location chart. As the offence is

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prima facie established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary. Therefore, he is not entitled to the concession of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a

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very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. As per the statement of Chirag Gandhi recorded by the jurisdictional Magistrate under Section 183 of BNSS, the petitioner was the member of a police team who not only raised a demand of a bribe but also accepted the same. This statement cannot be brushed aside lightly at least at this stage. The call detail records and the location chart of the phone used

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by the petitioner would show that on 10.12.2025 between 6:00 to 7:00 p.m., he was present at Samalkha, the place where the bribe was paid to the police team. Further, even if the petitioner was acting at the behest of the senior officer, namely, Inspector Arun Kumar, the same would not in any manner dilute the allegation levelled against the petitioner.

9. The relevant extract of the affidavit of Rishi Kant, HPS, Assistant Commissioner of Police, Ganaur, District Sonipat, dated 15.04.2026 is as under:-

27. The role of petitioner/accused Constable Dushyant is as follows: He (Constable Dushyant No. 523) Sonipat, played an active role in the conspiracy along with accused ASI Sandeep and other officials. He was part of the team that intercepted the vehicle carrying fake ghee, accompanied ASI Sandeep to Jind for apprehending accused persons. and remained involved during the investigation process, including handling of accused and preparation of documents. He also participated in the manipulation of investigation record and was aware of the destruction and alteration of documents after receipt of illegal gratification. Further, on the directions of SHO Arun Kumar, he, along with HC Basau, used the Scorpio vehicle to threaten and extort money, including Rs.2,50,000 from Chirag Gandhi, and was aware of the total illegal collection of about Rs.27,90,000, thus playing a significant role in the entire illegal conspiracy.

28. That in view of above discussed matter and as per prosecution, applicant-accused/HC Dushyant has been implicated by name. That as per statement of witness Chirag Gandhi s/o Vashudev r/o Raksheda at present H.No. 365,

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Panchwati Colony, near Gurudwara, Samalkha, Panipat, recorded by Jurisdictional Magistrate u/s 183 of BNSS, applicant-accused was the member of police team who not only raised the demand of bribe but also accepted the bribe. The call detail and the location chart of the phone used by the applicant-accused shows that on 10.12.2025, between 6 to 7 PM, he was present at Samalkha ie, the place where bribe was being paid to the police team. The copy of statement of Chirag (Witness) and disclosure statement of co-accused Sandeep are annexed as Annexure R1 and R2.

10. Keeping in view the above facts and circumstances, the offence stands *prima facie* established. Further, the custodial interrogation of the petitioner is certainly required to take the investigation to the logical conclusion.

11. Therefore, I find no merit in the present petition and the same stands dismissed.

12. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

13. The pending application(s), if any, shall stand disposed of accordingly.

April 16, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No