

**IN THE COURT OF AJAY TEWATIA, SESSIONS JUDGE,
ROHTAK (UID No.HR0074)**

CIS No.BA-1056-2026
CNR No. HRRH01-005591-2026
Bail Application No.172 of 2026
Date of Institution: 25.05.2026
Date of Decision: 29.05.2026

- 1) Ashok Kumar Singh son of Ram Balak Singh resident of Sri Krishna Nagar, Ward No.23, Begusarai (Bihar).
- 2) Abhishek Ashok Kumar son of Ashok Kumar Singh resident of Ram Nagar, Naya Tola, Begusarai (Bihar).

----Applicants-Petitioners.

Versus

State of Haryana.

----Respondent.

Application for anticipatory bail u/S. 482 BNSS

Present: Mr. R.N.Saini, counsel for applicants-petitioners.
Mr. Surender Pahwa, Public Prosecutor for the State.

ORDER:-

Apprehending their arrest, applicants-petitioners Ashok Kumar Singh and Abhishek Ashok Kumar have moved this application for anticipatory bail in case arising out of FIR No. 323 dated 16.09.2021 registered under Sections 406, 408, 420, 506, 120B of IPC registered at Police Station, IMT Rohtak.

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2. State has filed reply opposing the bail application.

3. I have heard Mr.R.N.Saini, counsel for the petitioner and Mr. Surender Pahwa, Public Prosecutor for the State.

4. Learned counsel for the applicants has submitted that the applicants have falsely been implicated in the present case and are innocent persons. It is argued that the applicants were granted regular bail during the pendency of the trial and have never misused the concession of bail. It is further submitted that on the date fixed before the learned trial Court i.e. 09.04.2026, applicant Ashok Kumar Singh could not appear because he had suffered a fracture in his right leg and had been advised complete bed rest for a period of 45 days. Medical documents and treatment records have been placed on record to substantiate the said plea. Counsel has further argued that the mother of applicant Ashok Kumar Singh and grandmother of applicant Abhishek is suffering from cancer and is undergoing treatment. Due to the serious medical condition of the family members, applicant Abhishek was required to remain with them and therefore, could not appear before the Court. It is further submitted that the applicants are permanent residents of District Begusarai, Bihar, situated at a considerable distance from Rohtak and due to unavoidable circumstances they could not remain present before the learned trial Court. Their absence was neither intentional nor deliberate. Learned counsel contended that immediately after learning about the cancellation of bail and issuance of non-bailable warrants, the applicants engaged

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counsel and attempted to move an application for cancellation of warrants. Therefore, there was no intention to evade the process of law. It is argued that custodial interrogation of the applicants is not required as investigation against them already stands completed and challan has already been presented before the Court. The applicants undertake to appear before the trial Court regularly and abide by all conditions imposed by the Court. Accordingly, it is prayed that anticipatory bail be granted to the applicants in the event of their arrest.

5. On the other hand, Learned Public Prosecutor has vehemently opposed the bail application and submitted that the present case pertains to a well-planned conspiracy involving cheating, criminal breach of trust and misappropriation of trust funds running into substantial amounts. It is submitted that during investigation, bank account statements of the company AKEPL as well as bank accounts of accused Abhishek Ashok Kumar Singh were obtained alongwith certificates under Section 65-B of the Evidence Act. The financial records clearly reveal diversion and utilization of trust funds for personal benefit. The prosecution submitted that the names of the present applicants surfaced during investigation on the basis of documentary evidence and banking transactions. Thereafter, sufficient incriminating material was found against them and a supplementary challan under Sections 420 and 120-B IPC was presented before the Court.

6. It is further argued that the applicants were already on bail

and were under a legal obligation to appear before the learned trial Court. Despite cancellation of bail on 09.04.2026, they did not surrender before the Court and instead remained absent continuously. The prosecution contended that if the applicants were genuinely suffering from medical difficulties, they could have produced medical documents before the trial Court on the date of hearing or through their counsel. They also failed to appear on subsequent dates despite having sufficient opportunity to do so. The applicants are residents of another State and there exists a reasonable apprehension that if protected by anticipatory bail, they may again evade the process of law and delay the trial. Therefore, the State prayed that the present application be dismissed.

7. The present application has been filed under Section 482 BNSS seeking anticipatory bail after cancellation of bail and issuance of non-bailable warrants by the learned trial Court. The record reveals that the present applicants were arrayed as accused in a case involving allegations of criminal conspiracy, cheating, criminal breach of trust and misappropriation of funds relating to a religious trust. During investigation, bank account statements of the concerned company as well as personal bank accounts of the applicants were collected and examined. Certificates under Section 65-B of the Indian Evidence Act were also obtained. On the basis of the material collected during investigation, the investigating agency found sufficient evidence indicating involvement of the applicants in the alleged offences and consequently filed a

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supplementary challan against them. The principal ground urged by the applicants is that applicant Ashok Kumar Singh suffered a fracture in his leg and was advised bed rest and that applicant Abhishek remained occupied in taking care of his ailing family members. However, the record shows that despite cancellation of bail on 09.04.2026, the applicants failed to appear before the learned trial Court for a considerable period. Even assuming that applicant Ashok Kumar Singh was medically incapacitated on a particular date, no satisfactory explanation has been furnished as to why appropriate steps were not taken before the trial Court well in time through counsel for seeking exemption from personal appearance. The applicants had sufficient opportunity to place the medical documents before the learned trial Court. The explanation offered does not satisfactorily account for their continued absence after cancellation of bail. The conduct of the applicants indicates negligence in complying with the directions of the Court.

8. The object of anticipatory bail is to protect innocent persons from unnecessary harassment and not to shield persons who have already failed to honour the conditions of bail granted by a competent Court. Once the applicants were granted the concession of bail, they were duty-bound to remain present before the Court on each date of hearing unless specifically exempted. The allegations against the applicants are serious in nature and involve financial irregularities, criminal breach of trust and cheating. The investigation has revealed banking transactions and

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documentary material linking the applicants with the alleged offences. At this stage, the Court cannot ignore the seriousness of the allegations and the conduct of the applicants in avoiding appearance before the trial Court. The apprehension expressed by the prosecution that the applicants may again evade the process of law cannot be said to be unfounded. The applicants are residents of another State and have already failed to appear before the Court despite being on bail. Accordingly, this Court is of the considered opinion that the applicants have failed to make out a case for grant of anticipatory bail.

9. In view of the foregoing discussion and reasons recorded above, the present application under Section 482 BNSS for grant of anticipatory bail filed by applicants Ashok Kumar Singh and Abhishek Ashok Kumar Singh is hereby dismissed. The applicants are directed to surrender before the learned trial Court concerned and seek appropriate remedy in accordance with law. File be consigned to the record room after due compliance.

Pronounced in open Court:
Dated: 29.05.2026
Asha

(Ajay Tewatia)
Sessions Judge,
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Present: Mr. R.N.Saini, counsel for applicants-petitioners.
Mr. Surender Pahwa, Public Prosecutor for the State.

Vide my separate order of even date, the application has been dismissed. File be consigned to the record room after due compliance.

Pronounced in open Court:

Dated: 29.05.2026

Asha

(Ajay Tewatia)
Sessions Judge,
Rohtak (UID No.HR0074)

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Sessions Judge, Rohtak.