

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 3529/2026

Balwant Singh Begad S/o Shri Deepa Ram, Aged About 59 Years,
House No 5 /216 Pareek Colony Hanumangarh Town District
Hanumangarh At Present Posted As Assistant Engineer
Panchayat Samiti Pilibanga District Hanumangarh

----Petitioner

Versus

1. State Of Rajasthan, Through Public Procecutor
2. Ashok Kumar S/o Moman Ran, Gram Panchayat
Kulchandra Tehsil Tibbi District Hanumangarh

----Respondents

For Petitioner(s) : Mr. Manoj Pareek

For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

06/05/2026

1. The present criminal misc. petition has been filed under Section 528 of the BNSS by the petitioner for grant of necessary instruction in the FIR No. 398/2017 registered at District Chowki, ACB, Hanumangarh for offences under Sections 13(1)(c) & (d) and 13(2) of Prevention of Corruption Act, 1988 and Sections 409 and 120B of the Indian Penal Code, 1860.

2. Learned counsel for the petitioner submits that in the present case, the matter pertains to the offence under Prevention of Corruption Act 1988 and the challan is being shortly filed before the learned trial Court. He further submits that petitioner has cooperated throughout the investigation and in such circumstances may not be arrested and the trial Court may be

directed to accept his bail bonds. Reliance was placed on the guidelines issued in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and Ors.; Special Leave to Appeal (Crl.) No(s).5191/2021** (decided on 07.10.2021).

3. Learned Public Prosecutor submits that challan in the case is ready and the same is being shortly filed.
4. Heard learned counsel for the parties.
5. The Apex Court in the case of **Satinder Kumar Antil** (supra) issued some guidelines vide order dated 07.10.2021, which are as under:-

"Categories/Types of Offences

- A) Offences punishable with imprisonment of 7 years or less not falling in category B & D.*
- B) Offences punishable with death, imprisonment for life, or imprisonment for more than 7 years.*
- C) Offences punishable under Special Acts containing stringent provisions for bail like NDPS (S.37), PMLA (S.45), UAPA (S.43D(5), Companies Act, 212(6), etc.*
- D) Economic offences not covered by Special Acts.*

REQUISITE CONDITIONS

- 1) Not arrested during investigation.*
- 2) Cooperated throughout in the investigation including appearing before Investigating Officer whenever called.*
(No need to forward such an accused along with the chargesheet (Siddharth Vs. State of UP, 2021 SCC online SC 615))

CATEGORY A

After filing of chargesheet/complaint taking of cognizance

- a) Ordinary summons at the 1st instance/including permitting appearance through Lawyer.*
- b) If such an accused does not appear despite service of summons, then Bailable Warrant for physical appearance may be issued.*
- c) NBW on failure to failure to appear despite issuance of Bailable Warrant.*
- d) NBW may be cancelled or converted into a Bailable Warrant/Summons without insisting physical appearance of accused, if such an application is moved on behalf of the accused before execution of the NBW on an undertaking of the accused to appear physically on the next date/s of hearing.*

e) Bail applications of such accused on appearance may be decided w/o the accused being taken in physical custody or by granting interim bail till the bail application is decided.

CATEGORY B/D

On appearance of the accused in Court pursuant to process issued bail application to be decided on merits.

CATEGORY C

Same as Category B & D with the additional condition of compliance of the provisions of Bail under NDPS S. 37, 45 PMLA, 212(6) Companies Act 43 d(5) of UAPA, POSCO etc."

Needless to say that the category A deals with both police cases and complaint cases.

The trial Courts and the High Courts will keep in mind the aforesaid guidelines while considering bail applications. The caveat which has been put by learned ASG is that where the accused have not cooperated in the investigation nor appeared before the Investigating Officers, nor answered summons when the Court feels that judicial custody of the accused is necessary for the completion of the trial, where further investigation including a possible recovery is needed, the aforesaid approach cannot give them benefit, something we agree with."

6. Keeping in view the above guidelines and having considered the facts and circumstances of the case, particularly the fact that the petitioner was not arrested during the course of investigation and had cooperated throughout the proceedings, and further considering that the investigation is now complete and the investigating agency has not sought the custodial interrogation of the petitioner, this Court is of the view that the petitioner shall not be arrested. Instead, he shall be informed about the filing of the charge-sheet and shall be required to appear before the concerned Court on the fixed date. Upon filing of the charge-sheet, the petitioner shall appear before the trial Court and move a regular bail application. In the event such bail application is filed, the learned trial Court shall release the petitioner on bail on the very same day, keeping in view the curtailment of the petitioner's

fundamental right to speedy investigation, as enunciated by the Hon'ble Supreme Court in ***Vakil Prasad Singh vs. State of Bihar; 2009 (3) SCC 355.***

7. The present petition stand disposed of in view of the observations made herein above.

8. Pending application(s), if any, stand(s) disposed of.

(SUNIL BENIWAL),J

26-AbhishekK/-