

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: August 22, 2016

1. CRM M-12902 of 2016

Vijay Kumar Gill

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM M-16296 of 2016

Rajesh Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

3. CRM M-16609 of 2016

Shankar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-.-

Present:- Mr. Parvesh Sachdeva, Advocate for the petitioners in
CRM M-12902 and M-16296 of 2016.

Mr. P.P.S. Duggal, Advocate for the petitioner in
CRM M-16609 of 2016.

Ms.Simsi Dhir Malhotra, DAG, Punjab.

-.-

M.M.S. BEDI, J.

This order will dispose of three petition bearing CRM M 12902, M-16296 and M-16609 of 2016 for grant of pre-arrest bail in a case which was registered at the instance of Sarvesh Sharma of Exide Life Insurance alleging that the petitioner Shankar in connivance with other accused hatched a conspiracy and introduced one Chaman Lal son of Nawab Singh as his brother and got forged a PAN Card and Ration Card of Chaman Lal. Thereafter he opened a bank account of Chaman Lal son of Nawab Singh with the name of Chaman Lal son of Bagh Ram on the basis of forged copy of PAN Card, Ration Card etc., who is a non-existent person. On September 23, 2013, an insurance policy of Rs.25 lac was got issued from ING Insurance Company in the name of Chaman Lal son of Bagh Ram in which Anjana was mentioned as nominee being wife of Chaman Lal. On February 12, 2014, nomination was changed in the name of petitioner Shankar posing himself as real brother of Chaman Lal son of Bagh Ram. On August 11, 2014, Vijay Gill issued a death certificate of Chaman Lal who died due to heart attack and it was issued on July 4, 2014. On August 11, 2014, petitioner Shankar raised a death claim from Insurance Company by creating forged documents and tried to get the death claim of Rs.25 lacs whereas the person, namely, Chaman Lal son of Bhag Ram never existed and impersonator Chaman Lal son of Nawab Singh never died.

So far as petitioner Rajesh Kumar is concerned, he is alleged to have attested as a witness the death claim form filed by co-accused Shankar. Petitioner Shankar had introduced Chaman Lal son of Nawab Singh as Chaman Lal son of Bhag Ram and posed himself to be the real brother and then opened an account in the name of Chaman Lal son of Bhag Ram by filing forged ration Card and PAN Card and thereafter got an insurance policy of Rs.25 lacs in the name of Chaman Lal son of Bhag Ram. Petitioner Shankar got his name mentioned in the nomination column of the insurance policy.

So far as petitioner Vijay Kumar Gill is concerned, he has signed a form for getting the death certificate of Chaman Lal who is still alive.

Counsel for the petitioners have submitted that pursuant to interim orders, the petitioners have joined investigation and that no loss has actually been caused to anyone as the Insurance Company was not deprived of any money. It was also argued that co-accused of the petitioner has been granted the concession of regular bail by this Court.

I have heard learned counsel for the petitioners and carefully appreciated the role attributed to each of them. Shankar being the main accused who had got his name incorporated as a nominee and taken active steps to get the benefit of insurance policy by procuring documents regarding death of Chaman Lal does not deserve the concession of bail. So far as petitioner Vijay Kumar Gill is concerned, he had signed the form for getting the death certificate of Chaman Lal, who is still alive. He claims that he is only a Municipal Councilor as such he was required to sign the form in

his official capacity but the fact remains that he is related to Shankar and his connivance and conspiracy with other accused is writ large.

Petitioner Rajesh Kumar being an attesting witness on the death claim form filed by petitioner Shankar and equally a conspirator in the scam of cheating the insurance company by making false documents to cause wrongful loss to the Company and corresponding wrongful gain in connivance with other accused, is also not entitled to the grant of concession of pre-arrest bail.

No ground is made out to grant the concession of pre-arrest bail to the petitioners. All the three petitions are thus dismissed. Interim orders are vacated. However, nothing said in this order will prejudice the rights of the petitioners to seek the concession of regular bail in accordance with law.

August 22, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.