

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-21848 of 2016
Date of Decision: 27.07.2016

Pawan Kumar Sharma

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jai Bhagwan Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Sandeep Lather, Advocate
for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.235 dated 5.4.2016 under Sections 420/406 IPC (Annexure P-1) registered at Police Station City Jind, District Jind.

The instant FIR was registered with the allegations that the complainant is owner of truck bearing registration No.HR-56A-2497. Complainant and the petitioner are known to each other and were having visiting family relations. As per the FIR, on 19.4.2014, an amount of Rs.47,730/- was received by the petitioner from the complainant for getting

the insurance of his truck. The petitioner clicked the photographs of the truck and took the copy of registration certificate and the permit of the vehicle from the complainant, with an assurance that he will hand over the insurance policy and cover note within 2-3 days. After 2-3 days, the petitioner gave copy of proposal No.M20057836 EMPIDDCF 00919 and assured the complainant that the insurance policy of the truck in question would be delivered within two days. Unfortunately, on the intervening night of 23/24-04-2014, the said truck was stolen and the matter was reported to the police. The police submitted untraced report in Court. In order to get the claim, the complainant asked the petitioner-accused to supply him the copy of insurance policy, so that the complainant can claim compensation. However, the complainant came to know that his truck was not insured, as the amount of premium paid by the complainant to the petitioner was never deposited with the insurance company. Accordingly, on the basis of the complaint made by the complainant, the FIR in question was registered.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case, as he had no role to play in the crime allegedly committed by Navneet Singh Nada. He has argued that neither the petitioner received any amount from the complainant, for getting the insurance of the truck in question, nor issued any receipt or proposal, as alleged. He is neither an agent nor an employee of the Cholamandlam Insurance Company, Karnal.

Learned State counsel has pointed out that there are serious allegations against the petitioner, as he has received the premium from the

complainant to get the truck insured but he never deposited the said amount with the insurance company. The petitioner has issued insurance proposal and has induced the complainant to believe that the vehicle was insured.

I have heard learned counsel for the parties.

The allegations against the petitioner are grave and serious in nature and pertain to criminal breach of trust and misappropriation of money. The petitioner has collected the premium amount from the complainant on the pretext that the truck would be insured and insurance policy would be issued to him, but the said amount was never deposited with the insurance company. Moreover, the anticipatory bail of co-accused of the petitioner namely Navneet Singh has also been dismissed by this Court vide order dated 30.5.2016 passed in CRM-M-17877-2016 *Navneet Singh v. State of Haryana & another*.

In this view of the matter, this Court is not inclined to accept the prayer of the petitioner for pre-arrest bail.

The petition is dismissed.

July 27, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No