IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Decided on: 09.10.2017

1. CRM-M No.42989 of 2016

Salinder Kumar

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.5282 of 2017

Ramesh Kumar @ Ramesh Kumar

….Petitioner

Versus

State of Punjab

….Respondent

3. CRM-M No.1557 of 2017

Sukhdev Singh

….Petitioner

Versus

State of Punjab

….Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

<u>Present :</u> Mr. Tarun Sharma, Advocate
for the petitioner (in CRM-M No.42989 of 2016)

Mr. Rajan Bansal, Advocate
and Mr. Ashish Gupta, Advocate
for the petitioner (in CRM-M No.5282 of 2017)

Mr. Kamal Narula, Advocate
for the petitioner (in CRM-M No.1557 of 2017)

Mr. Amandeep S. Gill, Sr. DAG, Punjab.
(in all the petitions).

Mr. Ramdeep Partap Singh, Advocate
for the complaint (in all the petitions)

ARVIND SINGH SANGWAN, J. (Oral)

This order will dispose of CRM-M Nos.42989 of 2016 and 5282 and 1557 of 2017 as these have emerged out of the same FIR I.e. FIR No.130 dated 03.11.2016 (Annexure P1) registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code (in short 'IPC') at Police Station Kulghari, District Ferozepur seeking anticipatory bail.

It is submitted on behalf of the petitioner – Salinder Kumar that he was an agent of Birla Sun Life Insurance Company (in short 'the Company') and is not a direct beneficiary of the policies and the documents which he has submitted were duly verified by the Manager of the Company. Similar argument has been raised on behalf of the petitioner/accused – Ramesh Kumar who is also an agent of Company.

It is submitted on behalf of the petitioner – Sukhdev Singh that he is husband of Gian Kaur who has obtained a policy through co-accused – Ramesh Kumar and has not committed any forgery.

Counsel for the petitioners have further submitted that the petitioners have already joined the investigation and are no more required for any further investigation.

On the other hand, counsel for the State assisted by the counsel for the complainant have submitted that on a complaint made by the complainant – Company, the Director General of Police has constituted a Special Investigation Team of 04 members and the said Team has submitted a report in which all the petitioners have been found guilty of committing the offences. It is further submitted by counsel for the State that the investigation is still going on and during the course of investigation, the Managers of the Company/Insurance Company will also be implicated as accused persons on the basis of the investigation. It is further submitted that there are serious allegations of forging of the documents like Ration Card, Aadhar Card, Voter I.D. Card, age proof of the insured persons and the petitioners despite afforded sufficient opportunities have not given the original of all these documents which were submitted at the time of obtaining the policies. It is also submitted that it has come on record that both the petitioners – Salinder Kumar and Ramesh Kumar are involved in more than one case of forgery of documents while obtaining the insurance policies. It is further submitted that, in fact, the co-accused – Sukhdev Singh has shown himself to be the son of Gian Kaur whereas he is husband of Gian Kaur and this has been done in conspiracy with the other accused persons to gain undue benefit on account of her death and that the accused persons knowingly have submitted forged and fabricated documents regarding her age.

As per the report of the Special Investigation Team with reference to Salinder Kumar and Ramesh who are the agents, it is reported as under:-

> *".....Regarding the statement, the Special Investigation Team verifies all the documents, collected record and investigation conducted, the following facts came in light:-*
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> ***1.*** *After conducting the verification of the Life Insurance documents of Fauja Singh son of Khushal Singh, resident of village Baghian, Tehsil Jagraon, District*

Ludhiana and verified that the said Fauja Singh died on 08.09.2012. According to the statement of Bagicha Singh of Fauja Singh, at the time of obtaining the policy, the age of Fauja Singh was about 80 years, but the Insurance Agent Salinder Kumar had taken original Ration Card of Fauja Singh and showed his age as 65 years and made the forged Ration Card and do a Policy No.5749222 dated 7.9.2012. Salinder Kumar Insurance Agent had taken the original Ration Card and Voter Card with him. After investigation, it is found that Fauja Singh was an illiterate and he put thumb impression only, but in the policy document, the agent put signature of Fauja Singh. According to the Insurance Policy Plan "Vision", the insurance can be taken upto 65 years, but at the time of taking insurance policy, the age of Fauja Singh was 80 years. The Insurance Agent Salinder Kumar in connivance with Fauja Singh son of Khushal Singh and his son Bagicha Singh, resident of village Baghian prepared a forged document regarding the age of Fauja Singh only to get insurance claim amount by committing fraud and after preparing the forged document they done the Insurance Policy and later on they want to take the issuance claim amount it is verified so that's why they took the original document with them.

2. *Insurance Agent Salinder Kumar has done the policy No.6278903 dated 15.10.2013 of Bimla wife of Hishiar Singh, resident of Sukhera Bodla, Tehsil Jalalabad, District Ferozepur. The enquiry regarding the death of Bimla above named was conducted and as per the report of Smt. Amandeep Kaur A.N.M., Sukhera Bodla and confirmation that Bimla has died on 20.9.2013. Agent Salinder Kumar and the husband of Bimla namely Hoshiar Singh son of Jabbar Singh, resident of village Sukhera Bodla connived with each others and only to* *misappropriate the insurance policy claim, they took the policy on 15.10.2013 after the death of Bimla on dated 20.9.2013.*

3. *Insurance Agent Salinder Kumar has done the policy N.5717484 dated 17.8.212 of Balvir Kaur wife of Chand Singh, resident of village Kamre Wala, Tehsil Jalalabad, District Ferozepur. After enquiry regarding the documents of Balvir Kaur, it is found that as per Ration Card for the year 2006, the age of Balvir Kaur is 44 years but her real age in 2012 is 50 years. The ration card was not get verified because as per the guidelines of Government of India to Food and Supplies Department, the record was destroyed. According to the voter list of 2012, the age of Balvir Kaur is confirmed as 51 years. At the time of doing the Insurance Policy of Balvir Kaur, the age as shown in the Ration Card and Voter card is same. As per investigation, there is no tampering found with her age document while doing insurance policy.*

4. *Insurance Agent Salinder Kumar has done the policy No.5714239 dated 14.8.2012 of Santa Singh son of Lal Singh, resident of Parbhap Singh Wala Hithar, Tehsil Jalalabad, District Fazilka. As per the investigation of the Insurance documents of Santa Singh and as per the record of Baljit Kaur, ANM, Local Registrar, Birth and Death, Sub Centre Aalm Ke, P.H.C. Jandwala Bhimeshah, Santa Singh was died on 13.8.212 but in the insurance document, the date of death was mentioned as 13.12.2012. The agent Salinder Kumar and Santa Singh's son Sona Singh has connived with each others only to get the Insurance Policy amount, the insurance policy was obtained on 14.8.2012 after the death of Santa Singh on 13.8.2012. They prepared the forged death certificate by showing the date of death as 13.12.2012 only to get the Insurance claim. According to Voter list, the age of Santa*

Singh is confirmed as 64 years.

5. *Insurance Agent Salinder Kumar has done the policy No.5549946 dated 18.04.2012 of Kartaro Bibi wife of Ganga Singh, resident of village Jhugge Kesar Singh Wale, District Ferozepur. The documents of policy holder Kartaro wife of Ganga Singh above named was not get verified because as per the guidelines of Government of India, to Food Supplies Department, the record was destroyed. According to the voter list of 2008, the age of Balvir Kaur is 70 years and in the year 2012, the age is 74 years, but the Insurance Agent showed the date of birth as 01.01.1956 in the Insurance Form. In the year 2012, the age is about 56 years which is wrong. Kartaro was illiterate and she put thumb impression, but the signature was on the Insurance Form. Confirmation of death on dated 23.7.2012 is correct. Accordingly to the Insurance Policy Plan "Vision", the insurance can be taken upto 65 years, but the Insurance Agent Salinder Kumar in connivance with Kartaro and son of Kartaro namely Bhag Singh only to grab the amount of Insurance fraudulently and it is confirmed that they showed the less age of Kartaro Bai from the actual age only to get the Insurance policy, without completing all the conditions of the Insurance.*

6. *Insurance Agent Ramesh Kumar has done the policy No.4936340 and 4936343 dated 17.06.2011 of Bai wife of Manna, resident of Chugatte Wala, District Ferozepur. The enquiry/verification of the documents of Bai wife of Manna was done and as per voter list for the year 2014, her age is 79 years which comes to 76 years in the year 2011, but the Insurance Agent showed her date of birth as 24.01.1958 and as such in the year 2011, her age is 53 years which is wrong. As per the death certificate of Bai, the date of death is shown as 25.1.2012 which is* *found fake. The Gram Panchayat of vilalge Chuggate Wala verified for getting Old citizen pension and alive of Bai in the year 2016. Insurance Agent Salinder Kumar firstly in connivance with Insurance holder Bai, done the Insurance Policy after showing her less age and later on he fraudulently only to get the Insurance Policy amount he showed himself as nominee of Bai. From the enquiry, it was found that at the time of doing the Insurance Policy of Bai and produced the death certificate by showing her death as 25.1.2012 at the time of getting Insurance amount which is wrong. It is verified that Bai has died in the year 2017.*

7. *Insurance Agent Ramesh Kumar has done the policy No.5453791 and 576425 of Swarna wife of Roshan Lal, resident of Chugatte Wala. The documents regarding Insurance was checked and verified that the actual date of death of Swarna is 15.09.2015. It is verified that the agent Ramesh Kumar in connivance with the son of Insurance holder Swarna namely Jatinder Singh only to avoid to deposit the installment of Insurance, prepared a forged death certificate of Swarna by showing here wrong date of death as 15.09.2012 from the actual date of death dated 15.09.2015 and the same was done only to get the Insurance amount."*

Similarly with regard to accused – Sukhdev Singh and the Managers of the Company, it is observed as under:-

"Except above, the accused of the case who is already facing case namely Sukhdev Singh son fo Bachhan Singh and Jagmohan Singh son of Sukhdev Singh, residents of village Chuggatte Wala, in connivance with Insurance Agent Ramesh Kumar, produced the documents i.e. Death Certificate, ration card and voter card of Gian Kaur wife of Bachan Singh resident of Chhugatte Wala at

the time of taking Insurance Policy and Mohinder son of Munshi resident of village Loombri Wala at the time of taking Insurance policy of his mother Jeena produced documents i.e. Voter Card, Ration Card and death certificates, were found forged after verification.

Except the Insurance Agents, Amandeep Singh son of Sadhhu Ram resident of Kothi No.761, Sunder Nagar, Ferozepur City, now resident of House No.63, Street No.6, Bharat Nagar, Ferozepur City and Mamta Sharma daughter of Sarwan Kumar resident of Baba Budha Jit Nagar, Rama Mandi Jalandhar who were working as Agency Manager in the Insurance Company situated at Ferozepur Branch. The above policies were verified by them. It is their duties to see the work done by the Insurance Agents and to verify the defects of the insurance policy and to remove the said defect. But they in connivance with Insurance Agents, Insurance Policy Holder and their nominees, verified the forged document as genuine and has caused loss to the Insurance company."

After hearing counsel for the parties and considering the gravity of offences, I find no merit in the present petitions. For the foregoing reasons, the petitions fail and are accordingly dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

09.10.2017
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No