

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Decided on: 20.07.2020

1. CRM-M No.12957 of 2020 (O&M)

Mohit

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.13241 of 2020 (O&M)

Pawan Bhoriya @ Pawan Bhoria @ Pawan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Raghav Gulati, Advocate
and Mr. Pratham Sethi, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these 2nd petitions is for grant of regular bail to the petitioners namely Mohit and Pawan Bhoriya @ Pawan Bhoria @ Pawan under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.144 dated 19.04.2019, for offence punishable under Sections 201, 205, 420, 464, 465, 468, 471, 193, 297, 120-B read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and 7/13 of the Prevention of Corruption Act, registered at Police Station Civil Lines Sonapat, District Sonapat.

The first petition seeking regular bail to the petitioners was dismissed as withdrawn on 11.12.2019 vide CRM-M No.44313 of 2019

and on 21.01.2020 vide CRM-M No.49417 of 2019.

Learned senior counsel for the petitioner(s) has argued that as per the allegations in the FIR, one gang in a pre-planned manner is running a racket in which they get the cancer patients insured with different insurance companies and they show that the patients are killed in a motor vehicle accidents on their natural death due to illness. Thus, by showing it as a case of death out of motor vehicular accidents, they used to claim compensation amount from the insurance companies. The gang is headed by one Pawan Bhoria and Mohit. Some police officials, doctors and employees of PGIMS, Rohtak are also involved in this gang and they share the amount and give some amount to the family of the deceased. Learned senior counsel for the petitioners has further submitted that the petitioner – Mohit is in custody since 19.04.2019 and the petitioner – Pawan Bhoria is in custody since 22.08.2019. It is further submitted that challan has already been presented before the trial Court and there are as many as 80 prosecution witnesses and till date, no witness of the prosecution has been examined.

Counsel for the State has filed the affidavit of the Deputy Superintendent of Police, State Crime Branch, Faridabad and as per the affidavit, an SIT was constituted to investigate the case and it was found that the accused person were running a racket in which they used to get the cancer patients insured with different insurance companies and after their death, they used to show that the death of the insured has occurred in a motor vehicle accident and accordingly, in this way they were making fake claims from the insurance companies. It is further stated that the petitioner – Pawan is an Advocate by profession whereas

the petitioner – Mohit is an associate and some police officials, doctors of PGIMS, Rohtak were also involved in this racket, however, it is admitted that 20 persons have already been granted the concession of regular bail and the petitioners are in custody for the last more than 01 year.

After hearing the learned counsel for the parties, considering the fact that the petitioners are in custody for the last more than 01 year and 03 months and the prosecution evidence is yet to start and it will take some time in conclusion of the trial and also in view of the fact that 20 co-accused of the petitioners including the doctors and police officials have already been granted the concession of regular bail, these petitions are allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

20.07.2020	(ARVIND SINGH SANGWAN)
<i>yakub</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No