

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

118

CRM-M-24984-2020

Date of decision: 28.08.2020

Manjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jatinder Nagpal, Advocate for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.64 dated 08.06.2020 registered under Sections 420, 465, 468 and 471 read with Section 120-B of the Indian Penal Code, 1860 at Police Station Division No.4, District Patiala.

As per the prosecution allegations Amandeep Sharma, Authorized Employee of Shri Ram General Insurance Company made complaint to S.S.P., Patiala and S.H.O. Police Station Urban Estate, S.S.T. Nagar, Phase-II, Main Road, Patiala alleging that the above-said Insurance Company received notice in a claim petition filed against Manjit Singh-driver and owner of vehicle bearing registration No.PB11-AV-6835 alleging that the said vehicle is insured with the above-said Insurance Company. The above-said vehicle was never insured by the above-said Insurance Company and fake/forged document was produced by the owner of the above-said vehicle. Enquiry was conducted and on the basis of report present FIR was registered.

Notice of motion.

Pursuant to supply of advance copy of the petition. Mr. Amit Mehta, Sr. DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

The petition has been opposed by the learned State Counsel Counsel.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the above-said vehicle was got insured by the petitioner through the Authorized Development Officer/Executive by paying amount of Rs.22,500/- in cash during his stay/work in Uttrakhand. On complaint of the above-said Insurance Company, the petitioner has been falsely implicated without ascertaining the truth. No specific role is attributed to the petitioner and the petitioner has been victimized. The petitioner is ready to join investigation and his custodial interrogation is not required in the case which is based on documentary evidence. Therefore, the petitioner may be granted anticipatory bail.

On the other hand, learned State Counsel has argued that the custodial interrogation of the petitioner is required for proper/thorough investigation of the case. Therefore the petition may be dismissed.

The Courts have been granted power to grant anticipatory bail to protect against motivated criminal litigation instituted at the instance of unscrupulous litigants animated by malice or political vendetta. Grant of anticipatory bail is an extra-ordinary remedy and is

not, therefore, intended to be granted in every case. Number of factors including nature and gravity of the offences, quantum of sentence, likelihood of the accused absconding, intimidating or influencing the witnesses or tempering with the evidence or committing similar offences have to be taken into consideration.

In the present case, fake insurance cover note/policy was produced by the petitioner before the Motor Accidents Claims Tribunal, Patiala to avoid his liability for payment of compensation and passing on the burden to the Insurance Company. Such fake insurance cover notes/policies are produced in number of such cases. Thorough investigation of the case is required to unearth the modus operandi and identify the persons involved.

Keeping in view the facts and circumstances of the case, the fact that custodial interrogation of the petitioner is necessary for thorough investigation of the case, collection of material evidence and identification of other persons involved and also keeping in view the possibility of the petitioner influencing the witnesses or tempering with evidence and fleeing from justice, I am of the considered view that the petitioner does not deserve grant of anticipatory bail.

In view of the above discussion, the petition for grant of anticipatory bail to the petitioner is dismissed.

28.08.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No