

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

230

**CRM-M-33354-2020
Date of decision: 05.11.2020**

Dr. Gaurav Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 82 dated 24.03.2018 registered at Police Station Civil Lines, Sonapat, District Sonapat under Sections 279 and 304-A of the Indian Penal Code, 1860 (for short 'the IPC') to which Sections 201, 205, 420, 464, 465, 468, 472, 193, 297, 120-B, 180 read with Section 34 of the IPC and Section 7 of the Prevention of Corruption Act, 1988 were added later on.

Briefly stated the above said FIR was registered on statement of Ankush regarding death of his father Satyanarayan due to injuries suffered in accident caused by rash and negligent driving of the offending car. The police investigated the case and during investigation

it was found that co-accused Pawan Bhorla along with his accomplices, doctors and police officials was running a racket by getting cancer patients insured from the insurance companies, showing their death to have occurred due to road side accidents and claiming compensation from the Insurance companies. Pawan Bhorla in conspiracy with other co-accused got the false papers of accident case prepared and the petitioner and his co-accused Dr. Ambuj Jain gave false post mortem examination report as to death of Satyanarayan due to ante-mortem head injury. On completion of investigation police filed the charge-sheet against the petitioner and co-accused Pawan Bhorla.

The petitioner, who is in custody since 18.09.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit Virender Singh, HPS, Deputy Superintendent of Police, Head Quarter, Sonapat.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner along with co-accused Dr. Ambuj Jain was just doing his job of conducting the post mortem on the dead body of Satyanarayan and gave his findings that he died due to head injuries. The petitioner and his co-accused Dr. Ambuj Jain also gave additional findings in the post mortem report that the deceased had few stitches near his pubic area. Allegations of conducting post mortem of Satyanarayan and submitting wrong report qua the same are also part of FIR No.144 dated

19.04.2019 registered under Sections 193, 120-B, 201, 205, 297, 420, 464, 465, 468, 471 and 34 of the IPC and Section 7/13 of Prevention of Corruption Act in Police Station Civil Lines, Sonipat. The implication of the petitioner in the present case by addition of Sections 201, 205, 420, 464, 465, 468, 472, 193, 297, 120- B, 180 read with Section 34 of the IPC and Section 7 of the Prevention of Corruption Act, 1988 is wholly unjustified, abuse of process of law and not permissible in view of the observations by Hon'ble Supreme Court in case ***T.T. Antony Versus State of Kerala (SC) : 2001 (3) R.C.R. (Criminal) 436***. The petitioner was granted bail in the above referred FIR No. 144 dated 19.04.2019 by learned Sessions Judge, Sonipat vide order dated 09.10.2019 passed on BA/2010/2019 titled as 'Dr. Gaurav Sharma Vs. State of Haryana' in respect of offences punishable under Sections 193, 120-B, 201, 205, 297, 420, 464, 465, 468, 471 read with Section 34 of the IPC and Section 7 and 13 of the Prevention of Corruption Act, 1988. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that co-accused Pawan Bhorla along with his accomplices, doctors and police officials was running a racket by showing death of cancer patients to have occurred due to road side accidents and claiming compensation from the Insurance companies. Satyanarayan had died due to cancer in his house on 24.03.2018 but his son Ankush lodged the FIR regarding his death due to injuries suffered in accident caused by rash and negligent driving of offending car. Co-accused Pawan Bhorla

in conspiracy with other co-accused got the false papers of accident case prepared and the petitioner and his co-accused Dr. Ambuj Jain gave false post mortem examination report as to death of Satyanarayan due to ante-mortem head injury. The allegations made against the petitioner are very serious. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, also the role attributed to the petitioner, the fact that the petitioner has been granted bail in above referred case FIR No. 144 dated 19.04.2019 by learned Sessions Judge, Sonipat vide order dated 03.10.2019 and the fact that trial in the present case is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.11.2020*Vishal***(ARUN KUMAR TYAGI)
JUDGE**

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