

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-737-2021 (O&M)
Date of Decision:- 12.3.2021

Sunil ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raj Kapoor Malik, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by Inspector Umed Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.33, dated 21.3.2020, Police Station Alewa, District Jind, under Sections 420, 406, 120-B IPC (Sections 466, 467, 468, 471, 201 IPC added later on).
2. The FIR was lodged pursuant to information received from an unknown person wherein it is alleged that Manoj and Salim used to get insured such persons who were suffering from serious ailments like cancer etc. and upon their death, the cause of death used to be

shown as some other reason so as to get insurance money and thus insurance companies were being defrauded of crores of rupees with connivance of bank officials. It is alleged that Salim used to get information about identity of cancer patients from officials of cancer Ward of PGI, Rohtak and thereafter Manoj used to trace out the said patients so as to convince them for getting them insured. It is further alleged that manoeuvred post-mortem reports used to be procured and thus insurance money was got released with connivance of the officials of insurance company on the basis of such documents. It is alleged that the said person used to take security cheques from the family members of the cancer patients and used to give a small amount to the family members. It is alleged that a few days back Balbir had died on account of cancer and Manoj in collusion of Sunil son of Balbir had got huge money from insurance company though Balbir had died on account of cancer. It is alleged that Salim, Manoj and Sunil had shown the death of Balbir as a natural death and had got a false post mortem report prepared and had thus defrauded the insurance company to the tune of ₹98 lakhs. It is alleged that Manoj and Sunil had conversation on their phone which had been recorded. It is further alleged that Manoj had amassed huge wealth in this manner. It is also stated therein that similarly one Krishan had expired on account of cancer but Salim and Manoj in connivance with Krishan's son namely Vikram had shown the death to be a natural death and had got huge amount released from insurance company. In a similar fashion one Jaimal had also been insured. It is alleged that accused persons were having links with one Rajiv

Kaushik who was confined in jail and that in case investigation is conducted a big scam would be unearthed which would include doctors, officials of insurance company and others.

3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in FIR are taken to be correct, still it is one Manoj and Salim who are the prime accused. It has been submitted that the petitioner cannot be said to have benefited in any manner from the proceeds of the insurance amount received on account of fraudulently insured persons.
4. Opposing the petition, learned State counsel has submitted that since specific allegations have been levelled against the petitioner in the FIR itself, no case for grant of bail is made out. Learned State counsel has however, informed that co-accused Manoj has already been granted bail and that the petitioner as on date has been behind bars since the last about 4 months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. When this matter was taken up on 13.1.2021, this Court had directed the State counsel to file status report particularly in reply to the contentions of the learned counsel for the petitioner to the effect that neither the petitioner nor any other member of his family had benefited from the insurance amount allegedly received on account of death of petitioner's father.
7. Status report has been filed. Para No.6 of the said status report read as follows:

“6. That during investigation, it is revealed that petitioner neither put his signature on any concerned documents nor single penny transfer in the account of petitioner or his family member and petitioner is not named in the FIR, but Police got recovered telephonic call recording held between the petitioner and accused Manoj.”

8. A perusal of the aforesaid extract from status report would show that investigating agency could not collect any evidence to show that the petitioner had benefited from the insurance proceeds in respect of death of petitioner’s father. In any case, since the main accused is already stated to have been released on bail and the petitioner has been behind bars since the last about 4 ½ months and challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 12, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No