

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

**CRM-M-19990-2021
Date of decision: 19.05.2021**

Shamsher Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Gupta, Advocate
for the petitioner.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 847 dated 13.12.2019, registered under Sections 120-B, 406, 420, 467, 468, 471 of the IPC at Police Station Civil Line, Karnal, District Karnal.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant-National Insurance Company, it is stated that during scrutiny, it was found that eight policies, as detailed in the FIR, were fake as these policies were issued by giving false addresses of the insurance company and by using forged policy code.

Learned counsel further submits that out of eight policies, the policy mentioned at Sr. No. 5 relates to petitioner, which was issued by Kaithal Branch. It is further submitted that in fact the petitioner is the owner of a tractor, bearing registration No. HR-05-Y-9213, and has procured the said policy from an agent of the company, namely Hitender Singh, under a *bona fide* belief that he is registered agent of the company and could never

anticipate that the policy is a fake policy.

Learned counsel further submits that unfortunately the said tractor met with an accident on 24.12.2018, qua which another FIR No. 335 under Sections 279, 304-A of the IPC was registered against the petitioner and when an MACT claim was filed by the legal heirs of the deceased, the petitioner put up the said policy in Court believing it to be a true policy so that the insurance company may indemnify his liability under the Motor Vehicles Act, however, it was found by the company that it is a fake policy.

Learned counsel further submits that in fact the petitioner himself is a victim as he never intended to procure a fake policy and in the even of any award being awarded under the Motor Vehicles Act, it will be the petitioner himself will be liable to pay the compensation being owner of the tractor.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and submits that in fact the insurance company has no such agent by the name of 'Hitender Singh', who has issued aforesaid eight policies, out of which, one policy pertains to petitioner.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the facts that it is co-accused Hitender Singh, who has in fact defrauded not only the petitioner but seven other persons by issuing them fake policies and also in view of the fact that from a bare perusal of the FIR, it cannot be made out that petitioner had any meeting of mind with co-accused Hitender Singh as the petitioner had procured the policy only qua his aforesaid tractor and he

is not related to seven other policies as there is not allegation that petitioner was an instrument with co-accused Hitender Singh in issuance of seven other policies, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

19.05.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No