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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.29177 of 2021 (O&M)

Date of decision: 30.07.2021

Narender Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bhag Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.847 dated 13.12.2019, for offence punishable under Sections 406/420/467/468/471/120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Civil Lines, Karnal, District Karnal.

Counsel for the petitioner has relied upon the order dated 19.05.2021 passed in CRM-M No.19990 of 2021, vide which the co-accused of the petitioner was granted the concession of anticipatory bail, by passing the following order:-

“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

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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 respondentState 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,

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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.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner is shown to be at Sr. No.4 with the allegation that even an insurance policy was issued in favour of the petitioner. It is further argued that from the contents of the FIR, it is apparent that it is the petitioner himself, who is one of the victim.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety

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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 petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No