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**CRM-M-31140-2021 and
CRM-M-28521-2021**

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

(I)

**CRM-M-31140-2021
Date of decision: 19.08.2021**

Des Raj Singla

... Petitioner(s)

versus

State of Punjab

...Respondent(s)

(II)

CRM-M-28521-2021

Parveen Kumar

... Petitioner(s)

versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner in CRM-M-31140-2021.

Mr. Naveen Kumar Jaglan, Advocate,
for the petitioner in CRM-M-28521-2021.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conference

Jasgurpreet Singh Puri, J(Oral)

Both the present petitions have been filed seeking anticipatory bail in
FIR No. 58 dated 28.05.2021, under Sections 420/120-B of IPC, registered at
Police Station Boha, District Mansa, Punjab.

On 09.08.2021 CRM-M-28521-2021 filed by Parveen Kumar was
directed to be heard alongwith CRM-M-31140-2021 filed by Des Raj Singla.

Both the petitioners are accused in same FIR and, therefore, both the
petitions are taken up and are being disposed of by way of a common order.

The facts of the case are taken from CRM-M-31140-2021 filed by Des Raj Singla.

As per the FIR a complaint was filed by one Rajat Mukharji, Senior Division Manager, LIC of India, Sector 17-B, Chandigarh by stating that there has been a fraudulent death claim under Policy No.103748852 in favour of late Harpal Kaur for a sum assured of Rs. 5 lakhs from the Branch Office Sangrur. The death claim has been preferred by the husband of the aforesaid Harpal Kaur by submitting a death certificate issued by Chief Registrar, Births and Deaths, Punjab office at Boha under Budhlada, District Mansa and as per the said certificate the date of death of late Harpal Kaur is 16.12.2017 and during investigation of the claim by the officials of the Corporation it was seen that the late Harpal Kaur was not alive at the time of taking the Life Insurance Policy. In fact her date of death was recorded by Asha Worker Ms. Pal Kaur of Village Faridke in her diary which is stated to be 22.09.2017 and the same has been recorded by ANM Ms. Kamalpreet Kaur in her diary also. The policy has been taken on 11.11.2017 which is after the date of death but a fraudulent Death Certificate issued by Chief Registrar, Births and Deaths was submitted for taking death claim and which is of dated 16.12.2017. The officials of the Corporation further investigated the matter of their own and it had come to their knowledge that the late Harpal Kaur's ashes were immersed at Rojanwali under district Fatehabad and as per the record kept by the Gurdwara Sahib Rojanwali she is registered at serial No.1724 dated 24.09.2017. Apart from the same there had been media reports that various frauds were happening in our country where insurance claims are fraudulently taken on the basis of forged death certificates.

Learned counsel for the petitioners in both the petitions have jointly submitted that the petitioner Des Raj Singla in CRM-M-31140-2021 and Parveen Kumar in CRM-M-28521-2021 were not involved in the present case and in fact it is the husband of late Harpal Kaur who had preferred the death claim and may have got fabricated some documents for that purpose and, therefore, so far as the petitioners are concerned, no fault can be found regarding them. They submitted that so far as the petitioner Des Raj Singla is concerned, he is an LIC agent for the last 30 years and there is no case against him as of today and he had given insurance policy to late Harpal Kaur on a bonafide belief regarding which ultimately the death claim was made by the husband of late Harpal Kaur. So far as the other petitioner namely Parveen Kumar is concerned, he is brother-in-law of Des Raj Singla and was not involved in the present case. Learned counsels have further submitted that the other co-accused namely Jagtar Singh, Joginder Singh Sachdev Singh, Hardeep Singh and Surjit Singh have been granted interim protection by this Court in their applications for grant of anticipatory bail and since the present petitioners are at parity with the aforesaid co-accused, they may also be considered for the grant of anticipatory bail.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that in both the petitions, reply by way of affidavit has been filed by the Deputy Superintendent of Police, Sub-Division Budhlada, District Mansa by giving the entire background of the case and the role of the present petitioners. While referring to the contents of the affidavit, he submitted that during the enquiry proceedings, statement of Ramesh Kumar posted as Manager, Life Insurance Company Pvt. Ltd., Mansa was recorded apart

statement of Asha Worker namely Pal Kaur and ANM Kamalpreet Kaur and Satpal, posted as Clerk Nagar Panchayat Boha, District Mansa were also recorded. On the perusal of the statements and the investigation of the present FIR, it was found that the petitioner Parveen Kumar is the brother-in-law of petitioner Des Raj Singla and as per the statement of Surjit Singh (husband of deceased), the petitioner Parveen Kumar was having familiar relations with him and it was further stated by him that after 2/2½ months of demise of his wife, Parveen Kumar alongwith Des Raj Singla had visited his house where Parveen Kumar told him that there is a Government scheme for grant of compensation to the family members of the person who dies of snake bite and on this pretext Parveen Kumar had obtained Aadhar Card, Ration Card and Voter Card from Surjit Singh and assured him that he will give him Rs.1 lakh and the remaining amount will be kept by accused Parveen Kumar etc to which Surjit Singh agreed. Thereafter on the asking of Parveen Kumar, Surjit Singh accompanied Parveen Kumar and had obtained a false certificate regarding immersing of bones from Shri Kiratpur Sahib. Thereafter, Parveen Kumar alongwith Des Raj Singla visited the house of co-accused Surjit Singh and obtained necessary documents for issuance of insurance policy. Then finally in the month of November, 2017, an insurance policy in the name of Harpal Kaur wife of co-accused Surjit Singh was issued through petitioner Des Raj Singla i.e. agent of LIC and the quarterly installment of Rs.5631/- was also paid by the petitioner Des Raj Singla. Thereafter, in the month of December, Surjit Singh applied for the death claim of his wife Harpal Kaur presenting the death certificate of Harpal Kaur alleging that his wife had expired due to snake biting and in the death certificate date of death of Harpal Kaur was

Manager of the LIC, it was ascertained by him that on the photographs of deceased Harpal Kaur presented before him by Surjit Singh, the date of death is mentioned as 16.12.2017 but on enquiry from in-laws of Surjit Singh it was disclosed by him that Harpal Kaur had died before Deepawali due to snake biting and further clarification was also made from the co-villagers that Harpal Kaur had died before Deepawali due to snake biting. The Asha Worker Pal Kaur had disclosed that Harpal Kaur had died on dated 22.09.2017 due to snake biting and, therefore, it was clear that the death claim as lodged by Surjit Singh was found to be fake. Thereafter, it was also discovered that the bones of Harpal Kaur were immersed in Bhakhara Canal at village Rojjanwali on 24.09.2017 and there was entry regarding the same in the register of Gurdwara Sahib at serial No.1724 dated 24.09.2017 and, therefore, the death claim was false.

So far as the role of Joginder Singh and Jagtar Singh are concerned, they had witnessed and verified the fake death certificate as prepared by the above named accused persons on asking of accused Parveen Kumar, as accused Parveen Kumar had requested them that if they put their signatures over the documents, then Surjit Singh who is a poor person will get insurance claim from the company and the other two co-accused namely Sachdev Singh and Hardeep Singh had verified the date of death on the death claim papers of Harpal Kaur to be 16.12.2017. Learned State counsel further submitted that it is totally clear that late Harpal Kaur died on 22.09.2017 and the LIC policy was taken much after the aforesaid death at the instance of Des Raj Singla who is the LIC agent alongwith his brother-in-law namely Parveen Kumar. He has further submitted that the entire conspiracy seems to have been at the instance of present two petitioners who actively got the insurance policy issued in the name of deceased Harpal Kaur and

Des Raj Singla-petitioner himself paid the installment of the insurance policy and as such, a big fraud has been committed by both the above two petitioners. He further submitted that although there is no other FIR registered against the present petitioners but since the present fraud has been unearthed, the custodial investigation of the petitioners would be required to ascertain as to how in many other cases of similar kind of offence, if any, has been committed by them. He further submitted that there is an apprehension that in case they are granted interim protection then they may tamper with evidence or may influence the witnesses particularly in view of the fact that the background of the case suggest that they have influenced the villagers for getting the fake insurance claim from the insurance company and, therefore, the learned State counsel has vehemently opposed the grant of bail to the petitioners. He has further submitted that so far as the present petitioners are concerned, they are not at parity with the other co-accused who have been granted bail because all the four co-accused are either signatory/witness to the documents and one of the co-accused namely Surjit Singh is the husband of Harpal Kaur and it was a case that at the instance of the present petitioners who are LIC agent and his brother-in-law who have jointly induced the villagers that they will get an amount of Rs. 1 lakh as a compensation for snake bite by the Government and in fact the petitioners had practiced deception for the purpose of getting fake LIC claim.

I have heard the learned counsel for the parties.

The allegation against the present petitioners are that so far as Des Raj Singla is concerned, admittedly he is LIC agent working for 30 years and so far as the second petitioner namely Parveen Kumar is concerned, he is brother-in-

law of Des Raj Singla and as per the prosecution story Parveen Kumar had started

the entire process of getting a LIC policy based upon fake certificates and as per the allegation Des Raj Singla himself had deposited the first installment of LIC policy which was obtained after the death of late Harpal Kaur. The magnitude of allegation against the petitioners is high. The said LIC policy was allegedly obtained after death of late Harpal Kaur on the pretext that some amount of compensation will be taken from the Government as a result of snake bite. The submission made by learned State counsel that custodial investigation of the petitioners is required not only to ascertain with regard to their involvement in other cases, if any, but also there is a likelihood that they may flee from justice or may tamper with any evidence or may influence the witnesses does carry weight. So far as the parity of the petitioners with the other co-accused is concerned, the petitioners will not be entitled for any parity in view of the facts and circumstances of the present case because four of the co-accused were the villagers who had allegedly signed the certificate while being allegedly induced that it will give some compensation to the poor family by the State and so far as the other co-accused Surjit Singh is concerned, as per the prosecution he was also induced by the present petitioners for getting the compensation against some scheme of the Government.

Therefore, considering the totality of circumstances of the present case and without observing anything on the merits of the case, this Court is of the considered view that the petitioners are not entitled for concession of anticipatory bail.

In view of the above, both the present petitions are hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

19.08.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking : Yes/No

Whether reportable : Yes/No