

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

CRM-M-50914-2021 (O&M)

Date of Decision: 20th December, 2021

Vijay Sarup

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Atul Lakhanpal, Sr. Advocate with
Mr. R.S. Chahal, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

CM-43031-2021

Prayer in the application for adding Sections 7 and 13 of Prevention of Corruption Act, 1988 in the headnote as well as prayer clause in the main petition.

Notice in the application.

Ms. Geeta Sharma, DAG Haryana accepts notice on behalf of respondent-State. She has no objection to the acceptance of the prayer of the applicant.

For the reasons mentioned in the application, the same is allowed. Sections 7 and 13 of the Prevention of Corruption Act, 1988 be added in the headnote as well as prayer clause of the main petition.

Main Petition

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 59, dated 26.03.2021, under Sections 120-B, 193, 205, 297, 406, 420, 467, 468 IPC, 1860, registered at Police Station Bass,

3. The FIR was at the instance of Investigation Manager of HDFC Ergo General Insurance Company Ltd. The allegations are that fake insurance claims were being applied by some persons by purporting the cause of death of their relatives as road side accident whereas the deceased were cancer patients. The allegation against the petitioner is that he after hatching a criminal conspiracy with co-accused and by concealing material facts prepared false post mortem report of Gurdeep(deceased) son of Chudiya Singh. The cause of death was converted to accidental for claiming insurance claim.

4. Learned senior counsel for the petitioner submits that petitioner is in custody since 14th September, 2021. Investigation is complete. He is not a beneficiary of the insurance claim. It is contended that as per post-mortem report (for brevity 'PMR'), cause of death is due to cardio respiratory failure as a result of head injury and internal bleedings. Co-accused was granted bail by this Court.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that it is a case of causing loss to public exchequer. He further submits that petitioner conducted Post Mortem.

6. *Prima facie*, the petitioner is not a beneficiary of the insurance claim received. The cause of death is debatable issue and would be subject matter of the trial. Co-accused was granted bail by this Court. The conclusion of the trial is likely to take time, co-accused was granted bail. The petitioner is granted regular bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. Since main case has been disposed of, the pending application renders infructuous.
9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

20th December, 2021
Parveen Sharma

Whether reasoned/speaking	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>