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

CRM-M-1984-2022 (O&M)
Date of decision: 09.05.2022

Sushil Sharma **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gopal Soni, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Bijender Kaushik, Advocate
for respondent No. 2/complainant.

ARVIND SINGH SANGWAN, J. *(Oral)*

This is the second petition that has been filed by the petitioner for grant of anticipatory bail in FIR No. 368 dated 23.11.2020, under Sections 120-B, 420, 467, 468, 471 and 506 of the IPC at Police Station Narayangarh, Ambala.

The first petition, bearing CRM-M-35400-2021, was dismissed as withdrawn on 14.10.2021.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Sant Lal, it is stated that he is doing the agricultural work and has insured his tractor trolley with Future Generali India, which was valid till 02.11.2015. Thereafter, he insured his vehicle with Royal Sundaram Alliance Insurance Company Limited, which was valid till 02.11.2016. Thereafter, the petitioner approached complainant and told him that he is working in United India Insurance Company and offered insurance for the complainant's vehicle. The complainant took a policy of Rs. 6200/- from the petitioner, however, unfortunately when the said vehicle met with an accident and a case was registered at Police Station, Narayangarh and also the legal representative of the victim filed an MACT case, wherein on production of the said policy by the complainant, the same was found to be a fake policy.

Learned counsel for the petitioner submits that there is a delay in registration of the FIR. It is further submitted that there was no fault on the part of the petitioner as he has acted as an agent of the said company.

Learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer on the ground that the petitioner has supplied a fake insurance policy by taking Rs. 6200/- from the complainant and the complainant had to pay Rs. 13 Lakh along with 7.5% p.a. interest, as per award of the MACT, otherwise it would have been the liablity of the insurance company if the policy, supplied to the complainant, would have been a genuine policy.

After hearing learned counsel for the parties, considering the fact that the petitioner, on obtaining Rs. 6200/- from the complainant, has supplied him a fake insurance policy for his tractor trolley and on that account, the complainant, in proceedings before the MACT, had to pay a hefty amount of Rs. 13 Lakh along with 7.5% interest to the victim as the liablity was fixed on the owner of the vehicle, no ground is found to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

09.05.2022 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*