

**218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-28523-2022
Date of Decision: 1st December, 2022**

Pardeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rajesh Lamba, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in case of FIR No. 337, dated 22nd August, 2019, under Sections 418, 420, 467, 468, 471 of Indian Penal Code, 1860 and Sections 182, 193, 196, 202, 464, 465, 474, 511 and 120 B read with Section 34 IPC and Sections 8, 9 and 13 of the Prevention of Corruption Act, 1988 (for short 'the Act'), registered at Police Station Hisar City, District Hisar.
2. Learned counsel for the petitioner submits that investigation is complete and challan stands presented. He claims parity with co-accused Ram Mehar @ Gogli who was granted regular bail by this court on 2nd May, 2022.
3. The following order was passed on 2nd May, 2022:

“Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.337 dated 22.08.2019, under Sections 182, 193, 196, 202, 418, 420, 464, 465, 467, 468, 471, 474, 511, 120-B of the Indian Penal Code, 1860 and Sections 8/9/13 of the Prevention of Corruption Act, 1988, registered at Police Station City Hisar, District Hisar.

Brief facts of the case are that Manoj Kumar, Manager, HDFC ERGO General Insurance Company Limited, Noida filed a complaint regarding fraud incidents under Personal Accident Policy by a syndicate, who converted the natural death claims to accidental death claims, targeting poor persons, suffering from various diseases. These insured of poor financial status are also holding multiple Personal Accidental Insurance Policies from various Insurance Companies and even Income Tax returns have been filed for two consecutive years. There is a possibility of hospital staff working hand in gloves with the fraudsters and the post mortem reports seem to have been managed.

During verification, it was found that the fraud masterminds were making the hospitalization of such insured in the hospital(s) with different names. Even there are few private hospitals, whose names have been found involved such as Mitanjali Hospital, Narnaund, Jeevan Jyoti Hospital, Jind along with other Government and Private Hospitals. Names of individual Pawan Bhoria (Sonu) from Kundli, Sonapat, Sunil Kharab and Sandeep Kharab have emerged behind this racket. Mobile numbers were found. As per panchnama of the cases, common names of persons and their mobile numbers have also been found involved.

This Court, on 11.11.2020, passed the following order:-

“ Learned State Counsel has apprised the Court that charges are yet to be framed in this case, but he is not having the exact information.

On his request, adjourned to 18.02.2021.

Since five co-accused have already been granted bail, therefore, let petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/ CJM/Duty Magistrate concerned. ”

Contentends that till date, charges have not been framed by learned trial Court and five co-accused have already been granted the concession of regular bail. Also contends that in compliance of above order, petitioner is regularly appearing before learned trial Court.

The above factual position is duly acknowledged by learned State Counsel.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 11.11.2020, is made absolute. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.”

3. Learned counsel for the State though opposes the prayer for grant of bail, he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned. He fairly submits that challan stands presented.

4. Without commenting on the merits of the case, considering the allegations, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial

5. The petition is allowed.
6. However, 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

1st December, 2022
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No