

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33607-2022 (O&M)

Date of Decision:- 05.8.2022

Saleem

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurminder Singh, Senior Advocate with
Mr. Gurnoor S. Sandhu, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 0033, dated 21.3.2020, Police Station Alewa, District Jind, under Sections 420, 406, 120-B IPC (Sections 466, 467, 468, 471, 201 IPC added later on).
2. The FIR was lodged pursuant to information received from an unknown person wherein it is alleged that Manoj and Salim used to get insured such persons who were suffering from serious ailments like cancer etc. and upon their death, the cause of death used to be

shown as some other reason so as to get insurance money and thus insurance companies were being defrauded of crores of rupees with connivance of bank officials. It is alleged that Salim used to get information about identity of cancer patients from officials of cancer Ward of PGI, Rohtak and thereafter Manoj used to trace out the said patients so as to convince them for getting them insured. It is further alleged that manipulated post mortem reports used to be procured and thus insurance money was got released with connivance of the officials of insurance company on the basis of such documents. It is alleged that the said person used to take security cheques from the family members of the cancer patients and used to give a small amount to the family members. It is alleged that a few days back Balbir had died on account of cancer and Manoj in collusion of Sunil son of Balbir had got huge money from insurance company though Balbir had died on account of cancer. It is alleged that Salim, Manoj and Sunil had shown the death of Balbir as a natural death and had got a false post mortem report prepared and had thus defrauded the insurance company to the tune of Rs.98 lakhs. It is alleged that Manoj and Sunil had conversation on their phone which had been recorded. It is further alleged that Manoj had amassed huge wealth in this manner. It is also stated therein that similarly one Krishan had expired on account of cancer but Salim and Manoj in connivance with Krishan's son namely Vikram had shown the death to be a natural death and had got huge amount released from insurance company. In a similar fashion one Jaimal had also been insured. It is

alleged that accused persons were having links with one Rajiv Kaushik who was confined in jail and that in case investigation is conducted a big scam would be unearth which would include doctors, officials of insurance company and others.

3. Learned counsel for the petitioner has submitted that even if the allegations as leveled against the petitioner are taken to be correct, the role attributed to him is that he was collecting information in respect of terminally ill patients from the hospitals and passing on the same to co-accused Manoj who further used to trace the families of such patients and used to convince them to get such terminally ill patients insured so as to get insurance amount upon their death. It has further been submitted that upon such amounts having been received from the insurance companies, Manoj in collusion with Sunil had received huge chunk from the said amounts. Learned counsel has submitted that in these circumstances it is Manoj who can be said to be main accused and since co-accused Manoj has already been granted bail by lower Court, the petitioner also deserves the similar concession on the ground of parity. It has been submitted that two other co-accused Sunil and Vikram have been granted bail by this Court vide order dated 12.3.2021 (Annexure P-3) and 6.12.2021 (Annexure P-4). Learned counsel has also drawn the attention of this Court to an order passed by co-ordinate Bench of this Court in another identical case i.e. CRM-M-30694-2021 (Annexure P-11) lodged against the petitioner, wherein the petitioner has already been granted bail.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a seasoned criminal having been involved in 11 cases and which would not justify grant of bail particularly when he is specifically named in the FIR and the investigating agency has also collected evidence to show that he had also benefited from the said scam inasmuch as an amount of Rs.6 lakhs was found to have been credited in his wife's account from the account of Vikram son of Krishan (deceased) who had been got insured in such dubious manner. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 3 months and as on date 6 out of the cited 64 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that there are specific allegations levelled against the petitioner mainly to the effect that he by collecting information in respect of terminally ill patients had facilitated his co-accused to give effect to the scam. There is specific evidence to show that his wife had benefited to the tune of Rs.6 lakhs from the proceeds of insurance money so received by LRs of such terminally ill patients. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 1 year and 3 months. Additionally this the petitioner would also be entitled for grant of bail on the ground of parity since co-accused Manoj against whom serious allegations have been levelled in the present case has already been granted bail by the lower Court and two other co-

accused Sunil and Vikram have also been granted bail by this Court. In these circumstances particularly when conclusion of trial would take considerable time having regard to the number of PWs yet to be examined, further detention of petitioner for an indefinite period would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.8.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No