

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

CRM-M-312-2022 (O&M)
Date of Decision:- 27.4.2022

Sanjay Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Mehta, Advocate, for
Mr. Simranjit Singh Sidhu, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Pardeep.

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. 46, dated 15.3.2019, Police Station Loharu, District Bhiwani, under Sections 420, 467, 468, 471, 120-B IPC.
2. The allegations, in nutshell are that the petitioner was working as an insurance agent with TATA Aia Life Insurance Company, and that he had insured the life of one Udami Ram on 29.9.2016 for a sum of Rs.5.17 lakhs whereas Udami Ram was not alive and had already expired on 22.4.2016 and infact his death certificate had also been issued on 16.5.2016. It is the case of prosecution that the petitioner

in connivance with Jagmal Singh brother of Udami Ram and the bank officials had forged documents i.e. death certificate etc. so as to get insurance policy issued in the name of Udami Ram though he was already dead and had thus usurped the insurance benefits by wrongly stating that he had expired on 3.6.2017. It is the case of prosecution that a forged and fabricated certificate had been prepared by the accused so as to usurp the insurance benefits qua death of Udami Ram.

3. Learned counsel for the petitioner has submitted that he is merely an insurance agent and had acted on the documents furnished to him and there is nothing on record to show that he had joined hands with the other accused. It has further been submitted that it is yet to be established as to whether Udami Ram had expired in the year 2017 or in the year 2016 as claimed by the prosecution. Learned counsel has further submitted that the petitioner has been behind bars since the last more than 8 months and since challan already stands presented the petitioner deserves the concession of bail particularly when he otherwise has a clean record.
4. Opposing the petition, learned State counsel has submitted that since the facts and circumstances clearly indicate the complicity of the petitioner as it is the duty of the insurance agent to verify all the facts and documents before insuring any person, he cannot escape from his liability and infact is the prime accused. It has been submitted that since on account of the act of the petitioner the insurance company had been caused a loss of Rs.5.17 lakhs i.e. the insured amount, no

case for grant of bail is made out. Learned State counsel has however, not disputed that the petitioner has been behind bars since the last 8 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars since the last about 8 months and challan already stands presented and that conclusion of trial is likely to consume time, the petitioner deserves the concession of bail particularly when he is not even stated to be involved in any other case. 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.

27.4.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No