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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.50499 of 2022 (O&M)

Date of decision: 15.12.2022

Sunil Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep K. Goyat, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.219 dated 17.10.2020, for offence punishable under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Rajaund, District Kaithal.

Counsel for the petitioner has relied upon the order dated 14.03.2022 passed in CRM-M No.1887 of 2022, vide which the co-accused of the petitioner namely Saleem has been granted the concession of regular bail. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Sandeep Kumar that the petitioner along with co-accused Manoj had made life insurance policy of cancer patients, by producing fake documents so as to raise claim from the

insurance company at a later stage. It is further submitted that the petitioner is in custody since 13.05.2021 and is not involved in any other FIR of similar nature. It is also submitted that one co-accused of the petitioner, namely Usha Devi, has been granted the concession of regular bail by the Additional Sessions Judge, Kaithal vide order dated 14.10.2021 and in FIR No.709 dated 03.11.2020 under Sections 120-B, 193, 297, 420, 467, 468, 471 IPC and Sections 7 & 13 of PC Act, the petitioner has already been granted regular bail by the Coordinate Bench of this Court vide order dated 08.02.2022 passed in CRM-M-30694- 2021. The operative part of the order reads as under: -

“... 5. Learned State counsel opposes the prayer for grant of regular bail and submits that at the time of arrest of the petitioner a sum of Rs.66,87,300/-, Welcome Kit for opening the bank account, pass book/cheque book, ATM card (total 239 items), two diaries, one register, 39 OPD cards, computer CPU, 40 policy kits, ID proofs, i.e. Aadhaar Cards, PAN cards relating to the IDs of cancer patients and their nominees, were recovered from his possession. She further submits that the petitioner has confessed his guilt during interrogation and that he is involved in 11 more FIRs, which are having similar allegations.

6. The petitioner is in custody since 20th March, 2021. No further recovery is to be made from the petitioner. The investigation is complete and challan stands presented. The coaccused have been granted regular bail. Even the doctor who allegedly conducted post mortum, has been granted bail by this Court. There are 43 prosecution witnesses, however, not even a single witness has been examined till date. Thus, the conclusion of trial is likely to take time...”

Learned counsel for the petitioner has further submitted that the investigation in this case is complete; out of total 35 prosecution witnesses, only 08 PWs have been examined and since the offences are triable by the Court of Magistrate, it will take long time in conclusion of the trial.

Learned State counsel, on the basis of custody certificate dated 13.03.2022 filed in the Court today, has not disputed the factual position. As per the custody certificate, the petitioner is in custody for the last 10 months and 14 days and is involved in three more FIRs of

similar nature and in FIR No.709, he has already been granted the concession of regular bail.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Though, it is reflected in the Custody Certificate that the petitioner is involved in some other FIRs, however, he is on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 09 months and 13 days; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required; out of 37 PWs, only 02 PWs have been examined so far and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.12.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No