

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17137-2023
DECIDED ON: 19th APRIL, 2023

MANOJ KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 219, dated 17.10.2020, under Sections 120-B, 420, 467, 468 and 471 IPC, registered at Police Station Rajound, District Kaithal.

Learned counsel for the petitioner contends that the role of the petitioner is that he allured the family members of Subhash and got him insured fraudulently and thereafter, showed death of Subhash as 'sudden death' and not due to cancer, who was under treatment from PGIMS, Rohtak and actually died due to cancer. He further contends that there is an unexplained delay in lodging the FIR. It is asserted that the co-accused namely Saleem and Sunil who have been granted the concession of regular bail by this Court vide orders dated 14.03.2022 and 15.12.2022 passed in

CRM-M-1887-2022 and CRM-M-50499-2022 respectively. Even if the contents of the FIR are taken to be true and correct, he is not the beneficiary in any manner who was only working as a broker and took Subhash and other customers to the agent of the insurance company, who finally made health insurance of Subhash.

On the other hand learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which the petitioner has already undergone the incarceration for a period of 3 months and 27 days as of now. He opposes the prayer made in the present petition stating that the petitioner is habitual offender and is involved in so many other cases, as is evident from the custody certificate, however, could not controvert the fact that the co-accused of the petitioner namely Saleem and Sunil, who are stated to be at par with the petitioner, have already been granted the concession of regular bail by this Court.

In the light of the fact that the petitioner is not beneficiary, as has been admitted by learned State counsel as well on the basis of the assertions made in the FIR apart from the fact that the other co-accused who are similarly situated with the petitioner have been granted the concession of bail by this Court, as stated hereinabove, added with the facts that the charges has been framed wherein conclusion of trial shall take sufficient long time and nothing is recovered to be from the possession of the petitioner, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind bars.

The petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial

Magistrate/Duty Magistrate concerned.

The present petition stands allowed in the afore-said terms.

19th APRIL, 2023
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No