



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105 -2

CRM-M-39773-2024
DATE OF DECISION: 14.08.2024

KAILASH KUMAR SHOREE ...PETITIONER

Versus

UT CHANDIGARH ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Bains, Sr. Advocate with
Mr. M.S. Chauhan, Advocate for the petitioner.
Mr. Vipul Jindal, Addl. PP, UT Chandigarh.
Mr. Rahul Bhargava, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.0049 dated 16.05.2024, under Sections 406, 420, 467, 468, 471, 120-B IPC, 1860 registered at Police Station P.S. North, District Chandigarh.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

*‘To, Deputy Commissioner of Police, Panchkula SUB:-
Complaint against Kailash Kumar Shoree and Arun Shoree wife of Sh. Kailash Kumar Shoree, Resident of House No. 267, Sector-12, Panchkula for forging the signatures of Late Smt. Neha Shoree wife of complainant on Insurance Proposal/Customer Declaration Forms and thereby up supring and misappropriating amount of more than Rs. 10 Lakhs and*



cheating, fraud and conspiracy. The complaint is also against other unknown employees of the Insurance Firm i.e. ICICI Prudential Life Insurance Company Ltd SCO 1,2,3, Above KFC, First Floor, Madhya Marg, Sector 8C Chandigarh -160009. Respected Sir, 1. Varun Monga am resident of House no. 710, Sector-6 Panchkula. I was married with Late Smt. Neha Shoree on 05.12.2015, and from our marriage there is one daughter. Late Smt. Neha Shoree was employed in Food and Drug Administration, Punjab and lastly was posted as Zonal Licensing Authority at Kharar, District Mohali where unfortunately she was murdered in her office seat by one Balvinder Singh who thereafter allegedly killed himself in the morning of 29.03.2019. In this regard a case was registered at Police Station City Kharar. After her murder false complaint was filed by her parents against me with regard to one Honda City Car Bearing registration no. HR-03 T-6240 with regard to which me and my daughter were forced to approach the Honble Panchkula District Court by way of Filling Civil Suit No. 528/2019 dated 29/07/2019 which is still pending adjudication. The car in question is in name of Kailash Kumar Shoree which was though purchased by my late wife from her funds but was purchased from Army Canteen as such was purchased in his name as he is an Ex-Serviceman and was gifted during our wedding. The Honble Court has granted interim injunction in my favor (Annexure A-1 Copy of the order is attached) During the proceedings of the above said Civil Suit No. 528/2019 I had summoned entire evidence from various banks, mutual funds, insurance company etc. when this evidence came before the Cost it has come to my knowledge that there are 2 life insurance Policies both of ICICI Prudential life Insurance Company Ltd in which life of my Late wife Smt Neha Shoree was insured bearing Policy No. 36553682 Application No. OS10981965 Policy No. 36553622 Application No. (OS10981806. interestingly, both



these Policies were purchased on 20.03.2019 and issued on 22.03.2019 with premium of Rs 50,000/- each only about one week before the unfortunate incident leading to the murder of my wife. The proposer In Policy no. 36553682 is Arun Shoree and proposer in Policy no. 36553622 is Kailash Kumar Shoree. On careful perusal of these policies Customer Declaration Form I found that the signatures of my Late wife Neha Shoree (who was the Life Insured) have been forged and they do not either match with her genuine signatures nor do they match with each other. Careful perusal of the Customer Declaration Form shows that these policies applications were submitted by the Agent no. 01125310 Mr Kailash Kumar (Alias Accused Kailash Kumar Shoree). Even the Policies were hastily issued in 2 days of application. For this purpose I have also got the signatures compared from a Forensic Document Expert Mr. Devender Prasad, his report is Attached as Annexure A-2. The standard signature used for comparison of signatures of my Late wife on her passport bearing No.K1017246 (Annexure A-3 Copy of Passport is attached) and Attested copy of her Official Identity Card no. 43 (Annexure A-4 Copy of the Identity Card is attached) with the Documents i.e. the Customer Declaration Form of both the Policies have been produced by the witness summoned from the insurance policy office and are Exhibited as Exhibit PW5/B (this pertains to Policy no. 36553682) and Exhibit PW5/D (this pertains to Policy no. 36553622) (Annexure A-5 Copy of Exhibits attached) respectively. The money under these policies has already been realized by Accused Kaliash Kumar Shoree and Arun Shoree after the death of my late wife Neha Shoree which happened on 29.03.2019. For this purpose application for claim was submitted by the accused persons on 16.04.2019 and the amount that is death claim payout of Rs. 5,47,342.27/- in each Policy was paid to the accused on 17.05.2019 in a hurried manner suspiciously, the details are



available in Exhibit PW5/B and Exhibit PW5/D. Under these circumstances it is apparent that forgery has been committed by the accused persons in connivance with the employees of the insurance company to financially wrongfully gain in monetary terms it shall not be out of place to mention here that these policies were issued hastily also under the agency of Accused Kailash Kumar Shoree bearing Agency Code no. 01125310. Hence, this complaint. It is humbly requested that both the accused be booked alongwith the Insurance company Employees for commission of offences of Forgery with regard to signatures of my Late Wife Smt. Neha Shoree on valuable Security and also cheating and fraud at the earliest and all the other angles with regard to conspiracy or commission of other penal offences be also looked into by ordering registration of an FIR and further Investigating the same. Thanking you, Yours truly, Varun Monga House no. 710 Sector 6 Panchkula- 134109 Contact no. 9872189351'

3. Contentions

On behalf of the petitioner

Learned Senior counsel for the petitioner has argued that the petitioner who is a senior citizen has been falsely implicated in this case. As per the allegations, the petitioner along with other co-accused had forged the signatures of his daughter on two insurance policies which were purchased just about one week prior to her murder. He further submits that after the death of petitioner's daughter difference arose between the parties and on account of those differences, the instant FIR has been registered.

Notice of motion.

**On behalf of the State**

Learned State Counsel appearing on advance notice accepts the same and on instructions from Investigating Officer opposes the prayer for grant of anticipatory bail on the grounds that the allegations against the applicant are serious in nature and as the investigation is at initial stage, the custodial interrogation of the petitioner is required, therefore, prays for dismissal of the instant petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

14.08.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>