



207 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-32017-2025
Date of decision : 17.06.2025**

RAKESH KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Nischal Chetanya Manchanda, Advocate (through V.C.)
 with Mr. Devyansh, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 483 of the BNSS/439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.756, dated 24.09.2024 registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120-B of IPC, 1860 at Police Station Shahabad, District Kurukshetra.

2. As per the allegations levelled in the FIR, it has been alleged as under:

“To Superintendent of Police, Kurukshetra. Subject: 1. Pamni alias Pawan Devi daughter of Shri Ram Prakash, wife of late Shri Nirmal Pal, Mobile: 93069059822. Kiran Pal son of Shri Ram Prakash, Mobile 98138184173. Manisha wife of Kiran Pal residents of village Kamalpur, district Karnal, 4. Manish son 9812939480 Joginder resident Tarawadi, district Karnal, 5. Balbir son unknown, resident of Karnal, mobile 9813578100, under conspiracy, by mutual connivance, getting insurance policies issued by showing the deceased son of the plaintiffs Nirmal Patal



as alive and by making his fake signature and guilty no. Complaint letter against the applicant for trying to get insurance claim by making himself nominee in the said policies and threatening to kill him and application for taking legal action against them by filing a case under Section 34, 419, 420, 467, 468, 471, 506, 120-B of the Indian Penal Code. Sir, the applicant makes the following request:

1. That the applicant Mahendra Pal son of Shri Sadhu Ram is a resident of village Dadlu, Tehsil Shahbad, District Kurukshetra and the applicant is old and is an old person and the applicant's wife has also become old. 2. That the applicant had two sons Hemraj and Nirmal Pal, out of which the applicant's son Nirmal Pal was married to accused no. 1 Pamni alias Pawan Devi, from this marriage Nirmal Pal has a son Gardish Pal. The applicant's son Nirmal Pal died on 03.09.2023 and immediately after his death, accused no. 1 started misbehaving with the applicant and the applicant's old wife and started demanding a share in the applicant's property. When the applicant told accused no. 1 that this was all illegal and the applicant refused to accept the illegal demand of accused no. 1, then accused no. 1 started abusing and beating the applicant and within a month after the death of her husband, she left the applicant's house and went to her maternal home and while leaving threatened that she would not rest until she gets a share in the applicant's property, which the applicant knew from the beginning that accused no. 1 is a greedy type and even during the lifetime of the applicant's son Nirmal Pal, accused no. 1 had tried to demand a share in the applicant's property. 3. That after the applicant left home, on 01.12.2023 itself, accused no. 1 lodged a fake complaint at Police Outpost Vyana, District Karnal regarding assault by the applicant and his family members. Since the applicant has become very old and is not in a position to go to the police outpost, taking advantage of this, accused no. 1 put undue pressure on the applicant to give the property and on 06.12.2023, he compromised on the said complaint. Under which the applicant and his son Hemraj also paid Rs. 1,60,000/- to the accused no.2 who is brother of accused no.1, transfer in his account. 4. That even after this compromise, there was no change



in the intention of accused no. 1 and with bad intention, he filed another fake complaint against Prachi and her family in Police Station Shahbad, District Kurukshetra. So that he can usurp the entire property of the applicant and because the applicant's son Hemraj had to go abroad and he could not go abroad, he should transfer his property in the name of accused no. 1 under pressure.

5. That the applicant has come to know that since accused no. 1 was keeping an eye on the applicant's property and money from the very beginning and is a greedy type of woman, with this intention, all the accused together hatched a conspiracy after the death of the applicant's son Nirmal Pal and by showing the deceased son of the applicant Nirmal Pal as alive and standing in his place and by making his fake signature, they got the Life Insurance Corporation of India and ICICI accounts in his name. 5. That in collusion with each other and as a part of conspiracy, first on 25.09.2023, accused no. 2 Kiran Pal sent Rs. 19,669/- to the account of Nirmal Pal as salary by showing Nirmal Pal as an employee in deceased Nirmal Pal's own company Bhardwaj Management and Consultant, in which Kiran Pal was working. Thereafter, accused no. 4, who is a friend of accused no. 2, on 28.09.2023, at the behest of accused no. 1 and 2, transferred the amount to his HDFC account. C. Bank account, Rs. 30,000/- was transferred through Paytm to the bank account of Nirmal Pal in the name of his laboratory and thereafter, using the same money, accused No. 1 and 2 showed Nirmal Pal as alive and accused No. 1 forged the signature of deceased Nirmal Pal and misled the officials of ICICI Bank and got the policy number H 0909886 of this company issued in the name of Nirmal Pal on record, whose insurance amount is Rs. 15,00,000/-, so that accused No. 1, 2 and 4 could usurp the death claim amount in a fraudulent manner. 7. That in the same way, accused Nos. 1, 2, 3, 5, under conspiracy, by showing Nirmal Pal alive and accused No. 2 by forging the signature of the deceased Nirmal Pal, misleading the officials of Life Insurance Corporation of India, got the policy No. 166806578 of this company issued on 11.09.2023 in the name of Nirmal Patal, whose insurance amount is Rs. 5,00,000/-, so that accused Nos. 1,2,3 and 5 could grab the amount of death claim in a



fraudulent manner. Whereas on 11.09.2023, Nirmal Pal was not alive and he had already died on 03.09.2023. Still, with the malicious intent to cause loss to the insurance companies, by showing Nirmal Pal alive, misleading the officials of the companies, by forging the signature of Nirmal Pal, got the policies issued. 8. When the applicant investigated on his own, he came to know about all the above mentioned fraud. When the applicant questioned the accused about this fraud, the accused threatened the applicant to keep his mouth shut, otherwise all of them together would kill the applicant. Therefore, you are requested to take legal action by registering a case against the accused under Sections 34, 419, 420, 467, 468, 471, 506, 120-B of the Indian Penal Code in connivance with each other by showing the applicant's son Nirmal Pal alive, forging his signature and misleading the company officials to get insurance policies issued and accused No. 1 trying to get the insurance claim wrongly by making himself the nominee in the said policies and threatening to kill the applicant. Your kindness will be kind enough to take legal action. Thank you Date: SD Mahendra Applicant Mahendra Pal son of Shri Sadhu Ram, Village Dadlu, Tehsil Shahbad District Kurukshetra. Mobile: 9813182682 Today Police Station Shahbad, on receipt of the above complaint number 3696-MISC dated 16.07.2024 along with investigation report from Bajaria Post Office Superintendent of Police Kurukshetra at the police station, case number 756 dated 24.09.2024 section 419,420, 120-B IPC Police Station Shahbad was registered and the copy along with the original application will be handed over to the police when ASI Jaswinder Singh 428 comes to the police station for further action. Which is out of the current diary. The record of which was entered as per law. Copies of the FIR will be sent to Bajaria Post Officer Bala. The FIR was registered in the presence of ASI Rameshwar 343.”

3. Counsel for the petitioner submits that the petitioner has already compromised the matter with the complainant. The petitioner is in custody since 04.03.2025. Investigation stands concluded and police report stands



filed before the concerned court on 22.04.2025. Thus, custody of the petitioner cannot be allowed to be prolonged as a punitive measure.

4. State Counsel however opposes the bail plea submitting that the petitioner has defrauded the State exchequer and he having compromised the dispute with the complainant would not cut any ice. However, she is not in position to dispute that the petitioner has clean antecedents and the challan already stands presented on 22.04.2025 after the investigation was concluded by the investigating agency.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

June 17, 2025
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No