
(2020) 10 P&H CK 0078

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 28028 Of 2020(O&M)

Dinesh Garg And Another

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 13-10-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420, 465, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 10 P&H CK 0078

Hon'ble Judges : Anil Kshetarpal, J

Bench : Single Bench

Advocate : R.K.Girdhar, Samina Dhir, Navjot Singh

Final Decision : Allowed

Judgement

Anil Kshetarpal, J

On 16.9.2020, the following order was passed by this Court:-

"The petitioners pray for grant of pre-arrest bail in a criminal case arising from FIR No. 13 dated 16.01.2020, registered under Section 420, 465, 467, 468, 471 & 120-B IPC at Police Station City Malout, District Sri Muktsar Sahib.

In a nutshell, the case of the prosecution is that late Sh. Shiv Charan Garg had purchased two policies from the Life Insurance Corporation of India of 5,00,000/- each. Thereafter, by playing fraud, the amount under the LIC policies has been received, although Sh. Shiv Charan Garg had died due to cancer in a hospital at Delhi.

Learned counsel for the petitioners contends that the Life Insurance Corporation of India had repudiated the claim and hence, the legal heirs of late Sh. Shiv Charan Garg filed a complaint before the District Consumer Disputes Redressal Form, which was allowed on 11.06.2008. An appeal filed by the Life Insurance Corporation of India, before the State Consumer Disputes Redressal Commission,

was also dismissed on 23.05.2012. He further contends that the present FIR has been registered on the complaint of Vineet Garg, who is facing prosecution in FIR No. 9 dated 23.12.2015 lodged by Madhu Garg. He further contends that there is a delay of 16 years in lodging the FIR.

Notice of Motion.

On the request of this Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab, accepts notice on behalf of the State of Punjab.

Advocate, Mr. Paramjit Singh Jammu has put in appearance on behalf of the first informant and contended that the petitioners, who are the sons of deceased-Sh. Shiv Charan Garg, had played a fraud with the Life Insurance Corporation of India. He further contended that in this case, custodial interrogation shall be necessary.

This Court has considered the submissions of learned counsel for the parties.

There is no explanation as to why the FIR has been registered after an unreasonable delay of a period of 16 years. It is also not disputed that the first informant is facing prosecution in FIR No. 9 dated 23.12.2015, lodged by Madhu Garg.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioners join investigation.

In the event of arrest of the petitioners, they shall be released on interim pre-arrest bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

List on 13.10.2020."

Learned State counsel on instructions from ASI Mukhtiar Singh has submitted that the petitioners have joined investigation, cooperated and are not required for further custodial interrogation. Mr. Navjot Singh, Advocate who appears for the first informant has forwarded a detailed reply on the official email of the Court, opposing the prayer for grant of pre-arrest bail to the petitioners.

The office is directed to take a print out of the same and place it on file to make it a part of the record.

Keeping in view the statement made by the learned State counsel, order dated 16.9.2020 is hereby made absolute.

The petition stands allowed.