

**CRM-M-25477-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****101****CRM-M-25477-2024****Date of Decision: 09.10.2025**

Gurwinder Singh Chahal @ Gurvinder Singh Chahal

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY.

Present: Mr. D.S. Sobti, Advocate for the petitioner.

Mr. Kamalpreet Bawa, Deputy Advocate General, Punjab.

AARADHNA SAWHNEY, J. (Oral)

1. Petitioner, who is an accused in case FIR No. 73 dated 6.4.2017, under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code, registered at Police Station Beas, District Amritsar Rural, has filed the present petition for grant of anticipatory bail.

2. Proceedings in the present case were initiated on the complaint of Shri Vipran Sharma, Branch Manager, LIC of India, Branch Office Rayya, Tehsil Baba Bakala, District Amritsar. In brief, the allegations against the petitioner are that being LIC Agent with Code No. 18788-13K, he had issued 71 polices in the name of Shri Bakshish Singh, amounting to Rs.77,33,218/- and 20 policies of Shri Satwinder Singh, amounting to Rs.22,16,553/-. In the policies of Shri Bakshish Singh and Shri Satwinder



Singh, their respective wives, namely, Smt. Charanjit Kaur and Smt. Narinder Kaur, were the nominees. After getting the policies issued, both Shri Bakshish Singh and Shri Satwinder Singh went abroad along with their families. Thereafter, the petitioner changed the addresses of the policy holders, got prepared their fake death certificates and got amount of Rs.22,16,553/- pertaining to 20 policies of Shri Satwinder Singh converted into pension policy in the name of Smt. Narinder Kaur vide policy No.473490691. In the said pension plan, one Jangbir Singh was introduced as a 'nominee'. An account at the HDFC Bank was thereafter opened by the petitioner in the name of Smt. Narinder Kaur with regard to the abovesaid pension plan, wherein, he mentioned the address of Late Shri Satwinder Singh as House No. 135 VPO Butala instead of correct address of Dasuya. Documents further reveal that from 23.11.2012 to 12.1.2014, an amount of Rs.3,50,031/- was credited as pension in HDFC Account No. 501000035098984. Statement of Varinder Kaur, wife of Rachpal Singh, who was presented as Narinder Kaur, was also recorded.

3. In so far as, 71 policies of Shri Bakshish Singh, amounting to Rs.77,33,218/- are concerned in which Smt. Charanjit Kaur (wife of Shri Bakshish Singh) was his nominee, on the basis of fake death certificate of Shri Bakshish Singh, these policies were also converted into pension policy. Similar, *modus operandi* was adopted by the petitioner who got an account opened at Punjab National Bank, New Amritsar in the name of Smt. Charanjit Kaur and mentioned the address of her husband as House No. 128, Cheeta Kalan, with mobile No.9501559669. **This mobile number was found to be used by petitioner's father.** It also came to the notice that in account opening form, petitioner had appended his signatures as a witness.



A joint account was opened by the petitioner with Smt. Paramjit Kaur in Punjab National Bank with Account No. 3417000100757579. Thereafter, an amount of Rs.4,10,000/- was transferred through cheque from the account of Smt. Charanjit Kaur wife of Shri Bakshish Singh, in his (petitioner) account. Rs.36,000/- was also transferred by the petitioner in the account of his father, namely, Arjan Singh.

On the basis of complaint and documents collected during course of investigation, formal case vide FIR No. 73 dated 6.4.2017, under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code, came to be registered against petitioner.

4. Apprehending his arrest, the petitioner filed an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Amritsar, which came to be dismissed in terms of order dated 23.3.2023. Aggrieved of which, the present petition has been filed.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He has been made scapegoat only with a view to save the skin of erring employees/officers of LIC. Continuing further, learned counsel submits that on 28.2.20214, the petitioner was not an agent of LIC and even prior thereto, a show cause notice had been issued to him and since then he was not authorized to work as agent. The allegations levelled are totally frivolous because as LIC agent, the role of the petitioner was limited only to find the customers and get them enrolled with LIC while issuing different policies. He had no authority to verify/check the veracity of the documents. Moreover, even if the contents of the complaint are taken to be true, at its face value, the entire sum to be released was reinvested. Petitioner was not beneficiary of the entire



transaction. Further, learned counsel submits that after the grant of interim bail, the petitioner joined the investigation. His custodial interrogation is not required as nothing is to be recovered from him. It has, thus, been prayed that in the larger interest of justice, anticipatory bail be granted to him.

6. Status report by way of affidavit of Maninder Singh, IPS, Senior Superintendent of Police, District Amritsar (Rural) was filed by the learned State counsel wherein *modus operandi* adopted by the petitioner and his role has been highlighted. In view of the seriousness and magnanimity of the offence, learned State counsel prays for dismissal of the bail petition.

7. Heard learned counsel for the parties and have perused the record.

8. Before expressing any opinion on submissions raised by both the counsels, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

9. Hon'ble the Supreme Court in "*P. Chidambaram vs. Directorate of Enforcement, (2020) 13 SCC 791*", has observed as under:-

“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility



of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

10. Hon’ble the Supreme Court while deciding the case titled as **“Ms. X Vs. The State of Maharashtra and another” (2023 SCC Online SC 279)** held as under:-

““11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.



12. In *Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)*, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced;

and

- (viii) danger, of course, of justice being thwarted by grant of bail."

11. In *Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another*, 2025 AIR SC 3375, the Hon'ble Supreme Court held that "Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."



12. The factual backdrop of the case and the role played by the petitioner in the entire incident has been highlighted in para 2 of the status report, which has briefly been summarized in para 2 of this order. It emerges that the petitioner who was an LIC agent, had issued 71 policies in the name of one Shri Bakshish Singh and 20 policies in the name of Shri Satwinder Singh, in both these policies, the policy holders had nominated their respective wives as nominees. The policy holders being non-resident Indians, went abroad. Taking undue advantage of their temporary absence from the scene, the petitioner got prepared fake death certificates of both the policy holders. Even their addresses were also changed. These policies were converted into pension policies and after impersonating the original nominees, new accounts were got opened in various banks, wherein, the pension amount from the policies was deposited. The ladies who had been impersonated the wives of the policy holders, were not aware of the entire facts or that fake accounts had been got opened in their names. It further came to notice of the Investigating Officer that in some of the account opening forms, petitioner had introduced himself as a witness. The registered mobile numbers, so mentioned in various accounts, were also found to be that of his family members. It can further be inferred from the status report that the investigation in the present case is still underway. Considering the seriousness and gravity of the allegations levelled, the magnitude of the fraud involved, this Court is of the opinion that the presence of the petitioner is needed for custodial interrogation to throw light on the *modus operandi* adopted by him to commit the offence, to find out the details of all those who all were involved in this racket and how many other persons have been duped.



CRM-M-25477-2024

-8-

13. Consequently, in view of the entire facts, circumstances and documents brought on record, the Court is further of the opinion that the petitioner has failed to make out a case of exceptional depravity/hardship in his favour, entitling him to the grant of this extraordinary relief of pre-arrest bail.

14. The petition being devoid of any merit is hereby dismissed.

09.10.2025
gbs

(AARADHNA SAWHNEY)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No