

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr.Misc. M 16708 of 2014
Date of decision:- 7.1.2015

Harjit Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Veneet Sharma, Advocate
Mr. CS Brar, DAG, Punjab
Mr. Vivek Salathia, Advocate.

M.M.S.BEDI,J.

This order will dispose of two petitions for grant of pre-arrest bail, one filed by Harjit Singh (CRM M 16708 of 2014) and the other filed by Bua Singh (CRM M 17604 of 2014), in a case which was registered at the instance of Kanwaljit Kaur, daughter of Jaspal Singh alleging that on the basis of a fabricated Will in favour of her brother Ramandeep Singh, mutation was entered by producing impersonators of complainant and her mother. The allegations in the FIR are that the Will of Jaspal Singh had been forged and that the complainant and her mother had never appeared before the Tehsildar.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that Harjit Singh is the main accused as he is the one, who had prepared the forged Will and scribed the fabricated document and made his younger brother's wife to sign in place of the complainant, as is apparent from the photograph, before the revenue authorities. He contends that the custodial interrogation of Harjit Singh is necessary to determine the whereabouts of the ladies, who impersonated the complainant and her mother.

I have heard counsel for the parties. As per the instructions of ASI Balkar Singh, it has been informed that the petitioners have joined the investigation. It is an admitted fact that the complainant has also filed a suit for declaration challenging the transfer of land of the deceased in favour of Ramandeep Singh. It is not out of place to observe here that Ramandeep Singh has died and the dispute has arisen after the property was mutated in the name of his wife and son. Be that as it may, the rights of the parties are to be determined finally by the civil court. The petitioners having joined the investigation, they can be granted the concession of pre-arrest bail as the custodial interrogation does not appear to be necessary. Merely because the relations of Harjit Singh are to be arrested, relief u/s 438 Cr.P.C. cannot be denied to the petitioners.

The petitions are allowed. It is ordered that in case of arrest of the petitioners they will be released on bail to the satisfaction of the arresting officer subject to the condition that they will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

January 7 , 2015
TSM

(M.M.S.BEDI)
JUDGE