

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

CRM-M-1999-2015

Date of decision : 21.12.2015

AMIR HAIDER ALIAS NANNE

..... PETITIONER

VERSUS

STATE OF HARYANA

..... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Mansur Ali, Advocate and
Mr. H.S.Deol, Advocate for the petitioner.

Mr.S.S.Pannu, DAG, Haryana.

Mr.Amit Prashar, Advocate for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail filed in case bearing FIR No. 263 dated 24.05.2013, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Sector 5, Panchkula, District Panchkula.

The allegations are that the petitioner forged a gift deed and a Will purportedly executed by the mother of the two complainants in his favour. It is interesting to note that the petitioner is a maternal uncle of the two complainants and was their guardian when their mother died in the year 1993 and their father was in jail. When they became major instead of handing over their legacy to them he presented them with this Will and gift deed. Not content with that he also filed a civil suit on the basis of the Will and the gift deed in which his mother(maternal grand mother of the complainants) appeared and filed a written

statement admitting his claim. His other brother Babban Zaidi also supported him to the hilt. During this interregnum the petitioner, his mother and his brother took over the possession of the property of the mother of the complainants and divested them even of the possession. It is only after the civil suit was dismissed by the trial Court by unequivocally holding that the Will and the gift deed were forgeries that the petitioner realised his untenable position and in an attempt to purge himself, withdrew the appeal he had filed against the dismissal of his suit. Before the court of Additional Sessions Judge, Panchkula as well as before this Court the petitioner had been representing that he would get the matter settled after getting interim orders but despite the passage of so much time the complainants are still not in possession of the house.

Learned counsel for the petitioner vehemently contends that in any case now that the petitioner having withdrawn his appeal he should be deemed to be as blameless as a baby. I regret my inability to agree to him. It is only because of his machination and forgeries that his other accomplices were able to divest the complainants of their property. For him to now act almost as an injured witness is beyond at least my credulity.

Learned DAG states that even though he has joined the investigation he has not cooperated and has not informed the police as to how he got the forgeries executed. Considering the fiduciary relationship which the petitioner had with the complainants I find his conduct to be reprehensible and consequently dismiss this petition.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

December 21, 2015
sunita