

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

Cr.Misc. M 37393 of 2014
Date of decision:- 9.1.2015

Dharam Pal Sharma

Petitioner

VS.

State of Haryana

Respondent

Present: Mr. Dinesh Arora, Advocate.
Mr. MS Sidhu, Addl.A.G. Hry
Mr. M.S. Nain, Advocate.

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Yogeshwari alleging that her father had died on 7.9.2012. The complainant was Vice President of Shiv Shakti Seva Samitia, Bhiwani, whereas her father was a member. The petitioner was also the President of the Society. The father of the complainant had never resigned from the membership of the society. She has also never resigned from the post of Vice President. So far as the allegations against the petitioner are concerned, he had allegedly prepared a fake affidavit of the complainant and her deceased father and used the same to show that the complainant and her father had resigned as Vice President and member of the society, respectively.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail.

I have heard counsel for the parties and gone through the record. A perusal of the record indicates that it will be debatable during the course of trial as to whether the alleged document is a forged document as

per Section 463 IPC and whether the petitioner is the person, who made a “false document” falling u/s 464 IPC. In view of no specific prejudice having been shown to have been caused to the complainant and the pendency of civil litigation between the parties being an admitted fact, it does not appear to be a case of custodial interrogation.

Counsel for the complainant has vehemently urged that co-accused of the petitioner Shilpa is not traceable and that the forged document has not yet been recovered . Taking into consideration the totality of the circumstances and the petitioner having joined the investigation, the petition is allowed and interim order dated 3.11.2014 is hereby confirmed and it is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the condition that he will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

January 9 , 2015
TSM

(M.M.S.BEDI)
JUDGE