

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.40358 of 2015

Date of Decision:-18.12.2015

Mehnga Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Malkeet Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General Punjab
along with ASI Charan Singh.

Mr. Sachin Sharma, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Mehnga Singh in case FIR No.93 dated 16.5.2015 for offences punishable under Sections 420, 120-B of Indian Penal Code registered with Police Station Lopoke, District Amritsar Rural.

Petitioner was an attesting witness to an un-registered Will dated 7.10.1996 executed by Smt. Mejo in favour of one of her sons namely Balbir Singh qua 8K 15 Marlas of remaining agriculture land (to the exclusion of others).

It is submitted that admittedly Smt. Mejo during her lifetime

had sold most of her property to Avtar Singh, who also purchased aforesaid remaining 8K 15M from the beneficiary-Balbir Singh vide registered sale deed dated 30.07.1997 after the death of Smt. Mejo on 28.02.1997. It is averred that mutation in favour of Balbir Singh on the basis of Will was sanctioned on 28.06.1997 and also on the basis of sale deed in favour of purchaser Avtar Singh way back in the year 1997. After a delay of almost 18 years, grandsons of deceased Smt. Mejo have lodged the aforesaid FIR against main accused Avtar Singh and others.

It is contended that the petitioner was only one of the attesting witness to the alleged forged Will dated 7.10.1996, which is stated to have been challenged now after a delay of almost 18 years after mutation.

Learned Counsel for the petitioner submits that petitioner is in custody since 20.10.2015 and investigation qua him is over.

Learned State counsel assisted by ASI Charan Singh concedes the aforesaid fact regarding incarceration of the petitioner and completion of investigation qua him.

Without commenting on the merits of the case, keeping in view the period of incarceration and investigation qua him being over, this Court finds that petitioner-accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Amritsar.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

December 18, 2015
Vinay