

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

CRM No.M-18500 of 2016 (O&M)

Date of Decision: 26.05.2016

Rakesh Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Mohit Garg, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.26 dated 19.4.2016 under sections 420, 465, 467, 471, 420, 120-B I.P.C, registered at Police Station, Division No.1, Ludhiana, District Ludhiana.

Briefly, it may be noticed that the F.I.R in question came to be registered at the instance of Geeta Rani. Allegations in a nutshell are against her own brothers namely Raman Kumar and Ravinder Kumar with regard to having set up a forged and fabricated Will dated 10.1.1985 stated to have been executed by Kamlesh Rani i.e. mother of the complainant and who expired on 20.5.1985.

Counsel for the petitioner would vehemently contend that the name of the present petitioner does not even figure in the F.I.R. It is further contended that the petitioner is not even a beneficiary from the Will and has been falsely implicated.

Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is not inclined to grant in favour of the petitioner the concession of anticipatory bail.

Present petitioner is sought to be implicated on the basis of being an attesting marginal witness to the Will in question. Perusal of the order dated 28.04.2016, passed by the learned Additional Sessions Judge, Ludhiana declining the concession of anticipatory bail to the petitioner, would reveal that in the Will in question dated 10.1.1985 there is a reference to a certain plot sought to be bequeathed to the beneficiaries and which was in fact purchased by Kamlesh Rani on 2.5.1985. An opinion has been formed by the court below that the Will is clearly ante dated.

During the course of arguments, it has gone uncontroverted that the Will in question stands acted upon and even certain property stands transferred on the strength thereof.

It is the conduct and role of the present petitioner in the capacity of a marginal witness that is under the scanner.

It is a case which would require a thorough probe and may also entail custodial interrogation of the present petitioner.

Accordingly, prayer made in the present petition is declined.

Petition is dismissed.

26.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**