

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

**(215)**

**CRM-M-3098-2016**

**Decided on: February 25, 2016.**

**Mukesh Deswal**

**.... Petitioner**

**Versus**

**State of Haryana**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Deepak Girotra, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. Sanjeev Kumar Panwar, Advocate, for the complainant.

**M.M.S. BEDI, J (ORAL)**

Learned counsel for the complainant has intervened to oppose application for bail inter alia on the ground that the petitioner has himself acted as Rajinder Singh Deswal to execute the Will to grab the property of Rajinder Singh Deswal and his wife Smt. Suman Deswal.

During course of investigation, a report seems to have been obtained from the handwriting expert to the effect that the signatures of Rajinder Singh Deswal on the Will do not tally with his admitted signatures.

After going through all the documents and statements, it appears that the petitioner had not made any attempt to impersonate as Rajinder Singh Deswal for getting the Will registered. Vide endorsement of Sub-Registrar, it is apparent that the petitioner had presented Will dated 08.05.2014 in his favour for registration. The validity of the Will is pending before civil Court.

I have also gone through the original register of Sub-Registrar and seen the document which was presented for registration.

It is not a case where the petitioner has impersonated as Rajinder Singh Deswal as his father and forged a Will.

The petitioner has joined investigation as per the instructions of SI Om Parkash.

It is not out of place to observe here that the petitioner is not presently in possession of the property belonging to deceased Rajinder Singh Deswal. The petitioner is not found in possession of the property left by Rajinder Singh Deswal even at Jhajjar.

In view of totality of the above said circumstances, the petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions as envisaged under Section 438 (2) Cr.P.C.

**(M.M.S. BEDI)**  
**JUDGE**

**February 25, 2016**  
*harsha*