

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

**CRM-M No.3696 of 2016 (O&M)
Date of Decision : 12.08.2016**

Mukesh Kumar Mittal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. P.K.Jain, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Anuj Balyan, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

On 04.02.2016 the following order was passed:-

*“Prayer is for grant of anticipatory bail in case FIR
No. 273 dated 21.11.2015 under Sections
420,465,467,471,120-B IPC, PS Dera Bassi, SAS Nagar.*

*Complainant Sushma Mittal is widowed Bhabi of
present accused petitioner. She has alleged that at the time
of sanctioning of mutation no.20090 dated 9.11.2009 in*

favour of the present petitioner relating to residential house measuring 300 square yards, her forged affidavit dated 26.10.2009 (P-4) was submitted before the Revenue officials granting her no objection to the said mutation based on a Will dated 27.11.2006 executed by Tarawati (mother of the present petitioner) in favour of petitioner. It is submitted that with regard to the said Will dated 27.11.2006 executed by Tarawati, a civil suit stands filed by the complainant. It is further contended that the present FIR has been lodged after Will dated 22.3.2007 allegedly executed by Tarawati, propounded by complainant, having been disbelieved by the civil Court.

It is further submitted that the petitioner is ready and willing for an amicable settlement with the complainant.

Notice of motion for 18.2.2016.

Till the next date, in the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.

Parties are directed to remain present in Court on the next date of hearing.

Investigating Officer shall ensure presence of the complainant in Court on the next date of hearing.

To be shown in urgent list.”

Affidavit of Arshdeep Singh Gill, PPS, Superintendent of Police, Sub Division, Dera Bassi on behalf of State has been filed and the same is taken on record. Copy supplied to the counsel opposite.

Today also learned counsel for the petitioner has stated that the share of the complainant is 1/5th and the petitioner is ready to give her that share even if the Will is ignored and he is doing this only to purchase peace because the complainant is his *Bhabi*.

Learned counsel for the complainant has argued that the complainant is no longer interested in the settlement because the petitioner has really harassed her for the last 6 years and even as per the affidavit filed today the FSL report has shown that the no objection allegedly signed by the complainant was a fake signature.

Learned Additional Advocate General, on instructions from ASI Gurdev Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

Be that as it may, keeping in view the entire conspectus of facts, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 04.02.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

12.08.2016

Pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No