

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

CRM M-42981 of 2013

Date of decision : 02.03.2016

Rupinder Kaur & anr.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Kang, Advocate for the petitioners.

Mr. Ankur Jain, AAG Punjab.

Mr. S.S. Panag, Advocate for the complainant.

RAJAN GUPTA J.

Petitioners have sought quashing of FIR in question on the ground that it contains no allegation against the petitioners. They have been roped in merely to harass them.

Prayer has been opposed by learned State counsel. According to him, petitioners are not entitled to quashing of FIR as both have been declared proclaimed offenders. There are clear cut allegations against them.

Learned counsel appearing for the complainant has made submission on same lines. According to him, Will referred to in the FIR was forged. Both petitioners appeared before the Sub Divisional Magistrate and deposed that Will has been rightly executed.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Application was submitted by one Nazar Singh to the police. He stated that his daughter Harsandeep Kaur was married to Rajdeep Singh Punia on 27.01.1999. One daughter Jasneet Kaur was born from the wedlock. They were residing in USA. Rajdeep Singh Punia died on 03.07.2003. Gurbax Singh, father-in-law of his daughter also died. Petitioners and other accused connived with each other to usurp the movable and immovable property of Gurbax Singh and Rajdeep Singh Punia. They prepared a forged Will dated 08.05.2001 in order to defeat the rights of Harsandeep Kaur and her minor daughter in the property. Accused produced the Will before the revenue authorities and stated that Rajdeep Singh Punia was never married. After complaint was received, an inquiry was conducted by DSP, Sarabha Nagar, Ludhiana. As substance was found in the allegation, FIR in question was registered. Specific role is attributed to the petitioners. They are stated to have appeared before the revenue authorities and sworn an affidavit that Will dated 08.05.2001 was a genuine document. Besides, petitioners have been declared proclaimed offenders vide order dated 15.06.2013. The pleas raised can be examined only after some evidence is led before the trial court. It is not possible for this court to conclude at this stage that petitioners have been unnecessarily roped in this case. The petition is, thus, without any merit and is hereby dismissed.

March 02, 2016

Ajay

(RAJAN GUPTA)
JUDGE