

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 713 of 2016

Date of decision: 15.3.2016

Gurbinder Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. DS Sukarchakia, Advocate.
Ms. Simsi Dhir, DAG, Punjab
Mr. HS Multani, Advocate.

M.M.S.BEDI,J.

This order will dispose of two petitions, one filed by Gurbinder singh (CRM M 713 of 2016) and the second filed by Gulab Singh (CRM M 1551 of 2016) on the allegation that both of them had connived along with Balwinder Singh and had forged the Will of Harnek Singh in favour of Gulab Singh. Complainant Ranjit Singh, who happens to be step brother of deceased Harnek Singh, has claimed that in order to defeat the rights of other legal heirs, the petitioners had fabricated the Will.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that the attesting witness Madav Nand, who had allegedly attested the Will, was not alive on the date of execution of the alleged Will.

With the assistance of learned State counsel, I have gone through the record. It is an admitted fact that the controversy regarding inheritance of property of harnek Singh is sub judice before the civil court. The alleged Will is also subject matter of civil litigation.

In view of the above circumstances, it will be pre-mature at this stage to express any opinion regarding the authenticity of the Will, alleged

to have been propounded on behalf of Gulab Singh. Counsel for the complainant has submitted that the original Will has not yet been produced by any of the beneficiaries or the propounders. In view of that circumstance, the criminal liability of the petitioners is still a debatable issue, to be determined by the civil court.

Without expression of any opinion regarding the authenticity of the Will in favour of Gulab Singh; the petitioners having joined the investigation, there does not appear to be any reason for sending them behind bars.

Accordingly, both the petitions are allowed and it is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the condition that they will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

Nothing said in this order will prejudice the adjudication of the rival claims of the parties pertaining to the Will of Harnek Singh.

March 15 ,2016
TSM

(M.M.S.BEDI)
JUDGE