

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

CRM No.M-77 of 2016 (O&M)

Date of Decision: 03.05.2016

Gurmail Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. H.S. Gill, Advocate for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

Mr. Munish Jolly, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.9 dated 11.12.2015, under Sections 419/465/467/468/120-B IPC, registered at Police Station NRI Patiala, District Patiala.

On 06.01.2016, while issuing notice of motion, the following order was passed by this Court:

“The present petition has been filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.9 dated 11.12.2015, under Sections 419/465/467/468/120-B IPC, registered at Police Station NRI, Patiala, District Patiala.

Complainant in the present case is none other than the real son of the petitioner. Allegations have been levelled against the family members including Gurpreet Singh i.e. brother of the complainant with regard to having forged the signatures of the complainant on an affidavit so as to facilitate the sale of an Alto car in the name of the father i.e. the present petitioner.

Counsel would submit that it is clear case of false

implication and such wild allegations have been levelled on account of the petitioner having executed a registered Will on 03.03.2015 and in which the sole beneficiary is his wife, namely, Gurmeet Kaur and in such Will none of the sons including the complainant have been made beneficiaries.

Notice of motion, returnable on 17.02.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

During the course of resumed hearing on 17.02.2016, counsel for the petitioner had stated that he would be ready and willing to return the articles belonging to his daughter-in-law i.e. wife of the complainant and which are in his possession.

Learned State counsel upon instructions from ASI Mohinder Singh would apprise the Court that the petitioner has since joined investigation. Even, list of 9 household articles which have since been recovered was furnished for perusal of this Court.

Mr. Munish Jolly, learned counsel for the complainant would oppose the petition by stating that out of such 9 articles, only 4 belong to the complainant. That apart, it is contended that there are serious allegations of an Alto car belonging to the complainant having been unlawfully sold by the petitioner.

As regards the vehicle in question, learned State counsel would inform the Court that the same has changed hands still further and is now in the ownership of one Baldeep Singh and whose statement has been recorded and who is ready and willing to cooperate in the matter and to produce the vehicle as and when required.

Counsel appearing for the petitioner would submit that to test his bonafides, he is ready and willing to furnish a deposit of Rs.1.5 lacs i.e. the approximate value which a 2008 model alto car would carry.

In the light of facts and circumstances noticed hereinabove and the petitioner having joined investigation, this Court is inclined to accept the prayer made by the present petitioner.

Petition is allowed. Order dated 06.01.2016 passed by this Court is made absolute.

It is, however, observed that the benefit of this order shall enure to the petitioner only upon handing over to the Investigating Officer of this case an amount of Rs.1.5 lacs within a period of four weeks from today. Upon handing over such money, Investigating Officer would be obligated to deposit the same in an FDR carrying the maximum rate of interest. Such deposit would be subject to the outcome of investigation/trial.

It is made clear that in case the deposit as noticed hereinabove is not made by the petitioner within the stipulated time frame, the concession of anticipatory bail granted to the petitioner shall cease to operate.

Disposed of.

03.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**