

Sr. No. 205

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

**CRM No. M-81 of 2016
Date of Decision: 10.02.2016**

Surinder Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. P.S.Khurana, Advocate,
for the petitioner.

Mr. A.S.Kler, DAG, Punjab.

Mr. Vinod Khunger, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.93 dated 19.06.2015 under Sections 420/465/467/468/471/120-B of Indian Penal Code (for short 'IPC'), registered at Police Station Sadar Jalalabad, District Fazilka.

While issuing notice of motion, the following order was passed by this Court on 07.01.2016:

“The instant petition has been filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.93 dated 19.06.2015, under Sections 420/465/467/468/471/120-B IPC, registered at Police Station Sadar Jalalabad, District Fazilka.

Counsel would submit that the allegations made by the complainant, Satnam Singh is with regard to the petitioner attempting to usurp the property belonging to one Harnam Singh who died issueless. Specific allegations are with regard to a false and fabricated Will dated 15.05.1962 having been set up by the petitioner and which was thereafter registered in the year 2013.

Counsel would argue that the complainant, namely, Satnam Singh is himself claiming to be the mortgagee-cum-owner of the same very property and had got changed the entry in the revenue records and which led to registration of FIR No.118 dated 20.09.2013 against the complainant under Sections 420/465/471/120-B IPC, registered at Police Station City Fazilka. It was further contended that even civil litigation is pending between the parties pertaining to the same very property and in which Satnam Singh, complainant had allegedly produced a person, namely, Joginder Singh by impersonating the deceased Harnam Singh and which led to the registration of yet another FIR No.96 dated 14.05.2014 under Sections 418/420/468/470/471/120-B IPC at Police Station Sadar Fazilka. It is argued that under such circumstances, when civil litigation is pending and ownership of the property in question is under adjudication, no useful purpose would be served by taking the petitioner in custody. Petitioner otherwise is stated to be ready and willing to join investigation.

Notice of motion, returnable on 10.02.2016.

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.”

Learned State counsel upon instructions from HC Mohinder Singh would apprise the Court that the petitioner has since joined investigation.

That apart, the observations contained in the notice of motion order have gone un rebutted. Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Present petition is allowed. Order dated 07.01.2016, passed by this Court, is made absolute.

It is, however, clarified that benefit of this order would enure to the petitioner upon his appearing before the Investigating Officer within a period of 01 week from today and furnishing two relevant documents i.e. a death certificate dated 12.05.1964 of Harnam Singh as also copy of Will dated 15.05.1962 and for which the petitioner would be duly furnished a receipt.

Disposed of.

10.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**