

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-843 of 2016 (O&M)

Date of Decision: 27.05.2016

Saravjeet Kaur

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Vikram Singh, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

Mr. Naresh Kumar, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.462 dated 26.6.2015 under sections 406, 420, 467, 468, 471, 120-B I.P.C, registered at Police Station, Civil Lines, Karnal, District Karnal.

On 12.1.2016, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks the concession of anticipatory bail in case FIR No.462 dated 26.06.2015, under Sections 406/420/467/468/471/120-B IPC, registered at Police Station Civil Lines Karnal, District Karnal.

Complainant in the case is Mandeep Singh. Allegations are pertaining to a residential premises bearing House No.2239, Sector 13, Urban Estate, Karnal and it is alleged that the present petitioner had set up a forged Will in respect of the aforenoticed residential premises belonging to father of the complainant and on the basis of such forged Will, a sale deed dated 09.06.2010 had been got registered in favour of co-accused Avinash Grover.

The categoric submission raised by the counsel is that the complainant had instituted a suit for declaration i.e. civil suit No.681 of 2012 titled as Mandeep Singh Bharaj vs. Saravjeet Kaur etc. in the Court of Additional Civil Judge (Senior Division), Karnal. Counsel has even adverted to an order dated 30.03.2015 placed on record at Annexure P-2, whereby even such civil suit which pertained to the same very Will, which had been acted upon for the sale deed in respect of the house in question had been withdrawn on account of a compromise having been effected. It is argued that the allegations contained in the FIR, as such, are totally unfounded.

Notice of motion, returnable on 03.03.2016.

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 S.I. Khille Ram would apprise the Court that even though the petitioner has joined investigation but she is not cooperating in the matter. He has also submitted that the signatures of Joga Singh (since deceased) on the Will dated 28.2.2007 and on which the allegations are founded was sent to the F.S.L., Madhuban (Karnal) for expert opinion by comparing the standard signatures of Joga Singh which were there on his passport issued in the year 1994 and as per opinion furnished by F.S.L the signatures of Joga Singh on the Will in question appear to be imitated and as such, forged.

The issue with regard to the role of the petitioner as regards having forged the Will in question is a question which would require evidence to be led and to be considered during the course of trial.

Counsel appearing for the complainant has not been able to rebut the factual position that the complainant had instituted a suit for declaration before the competent court challenging the veracity of the Will in question and such suit has thereafter been withdrawn.

The allegations against the petitioner are all founded on documentary evidence. The documents in question are already in the possession of the investigating agency.

In view of such situation, this Court is of the considered view that custodial interrogation of the petitioner is not warranted since she has already joined investigation. Accordingly, the present petition is allowed. The order dated 12.1.2016, passed by this Court, is made absolute.

It is, however, clarified that the observations contained in this order are confined only as regards prayer of the petitioner for grant of anticipatory bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.05.2016
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