

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

CRM-M-16650-2017(O&M)

Date of decision:-17.05.2017

Manjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. B.S. Khehar, Advocate, for the petitioner.

Mr. Rajesh Mehta, Addl. A.G., Punjab.

Mr. J.S. Bedi, Senior Advocate, with
Mr. Lovekirat Singh Chahal, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Mr. Khehar, learned counsel for the petitioner, submits that, firstly, the FIR itself was registered on 21.10.2016, i.e. about 11 months after the mutation entry was made on the basis of the will stated to have been executed by the nephew of the petitioner, Bhupinder Singh, on 11.07.2015, with Bhupinder Singh thereafter having died (alleged to have been murdered) on 14.07.2015. He, therefore, submits that the registration of the FIR is an after thought, as the petitioner, Manjit Singh, is the complainant in the FIR registered in respect of the death (alleged murder) of deceased Bhupinder Singh, the purpose of the FIR being so as to ensure that he does not pursue his complaint any longer.

He further submits that the mother of the deceased Bhupinder Singh, i.e. Smt. Baljit Kaur, executed an affidavit on 03.08.2015, prior to or at the time of the mutation proceedings before the revenue authority, a copy

of which is annexed as Annexure P-2 with the petition. A perusal of the

affidavit shows that she has stated therein that her son, Bhupinder Singh, died on 14.07.2015 and had executed a will dated 11.07.2015, which will she has verified to be true and correct and that she had no objection if the movable and immovable properties of her late son Bhupinder Singh were transferred in the name of his uncle Manjit Singh (the petitioner herein), the wife of the petitioner, and his two sons.

The affidavit ends with a statement to the effect that if on transfer of the property as aforesaid, any third person would suffer a loss, the executor, i.e. Baljit Kaur, would be responsible for the same.

Though, of course, the aforesaid affidavit would obviously seem to show that the complainant in the FIR registered (as is in question in this case), herself had endorsed the will in question, which as per her FIR she is now stating is a forged will, Mr. Bedi, learned Senior counsel appearing for the complainant, as also the learned State counsel, point to the fact that in the FIR itself the complainant has contended that she is an illiterate lady and that the aforesaid affidavit was got executed by the petitioner in connivance with other persons, on the pretext that he wishes to stand for election for the post of Sarpanch and for that purpose an Aadhar Card was to be made, for which an affidavit was required.

On query, the learned State counsel submits that the complainant has been found to actually be an illiterate lady and the affidavit in fact bears only her thumb impression.

Keeping in view the aforesaid facts, as also the fact that anticipatory bail to his co-accused Jaspreet Singh, Numberdar, has also been declined by this Court on 16.02.2017 in CRM-M-5060 of 2017, without

making any comment on the actual merits of the case, which would obviously be a matter of investigation and trial (if it comes to that stage), I do not find it to be an appropriate case where the concession of anticipatory bail can be granted to the petitioner.

Consequently, this petition is dismissed, but as already stated, without taking any observation by this Court hereinabove, to be one on the actual merits of the case.

(AMOL RATTAN SINGH)
JUDGE

17.05.2017

adhikari

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No