

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

CRM-M No.22235 of 2017 (O&M)
Date of Decision: 04.07.2017.

Ajay Batta and another

....Petitioners.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sandeep Kumar Bokolia, Advocate for the petitioners.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

Mr. Manish Kumar Singla, Advocate for the complainant.

SNEH PRASHAR, J.

CRM-19922-2017

Allowed, as prayed for.

CRM-M-22235-2017

The petitioners are wanted in case First Information Report No.117 dated 27.04.2017 under Sections 420, 465, 467, 471 read with Section 34 of the Indian Penal Code (for short, 'IPC') registered at Police Station City, Barnala. Apprehending their arrest, they have moved the instant petition seeking the benefit of anticipatory bail.

The submissions made by Mr. Sandeep Kumar Bokolia, learned counsel representing the petitioners, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab and Mr. Manish Kumar Singla, learned counsel

for the complainant.

The First Information Report in the instant case was registered on the statement of Seema Budhi Raja, sister of petitioner No.1 Ajay Batta on the allegations that her brother Ajay Batta had been harassing and physically assaulting her parents, who though are residents of Barnala, but had often been coming and living in her house at Mani Majra. Her brother Ajay Batta in connivance with Gurdeep Singh etc. had prepared a fake agreement to sell in respect of Plot No.102 measuring 129 square yards, situated at 18.33 Acre Scheme, Maharaja Aggarsen Enclave, Barnala which was owned by her mother Sneh Lata. The alleged signatures of her mother on the agreement and on the back of the stamp paper were forged. A receipt of payment of earnest money was also forged. Subsequently, Ajay Batta in collusion with Budh Ram, Ex. M.C. and Bharat Bhushan Puri prepared a forged and fabricated will dated 05.02.2016 purported to be executed by her mother and got the same registered at the Office of Sub Registrar, Barnala on 15.09.2016 by impersonation. Her mother Sneh Lata had already executed and got registered a will during her life time on 15.05.2014 in her favour. She got the signatures on all the three documents compared with the admitted signatures of her mother from a finger print and handwriting expert, who gave opinion that signatures on all the documents are forged and fabricated.

Learned counsel for the petitioners argued that the agreement to sell dated 08.01.2016 was executed by Sneh Lata mother of the petitioner during her life time on her own volition. The petitioner was neither an attesting witness to the document nor was to gain anything out of it.

Gurdeep Singh-vendee has already filed a suit for specific performance of

petitioner. Payment of the earnest money by Gurdeep Singh to Sneh Lata will be a matter of evidence to be proved by him in the civil suit. As far as the will dated 05.02.2016 is concerned, the petitioner had found the same in the house after the death of his mother. He had got the same registered with Sub Registrar, Barnala on 15.09.2016 after getting publication issued in respect of the will. The allegations that the will was got registered by impersonation is completely false as at the time of registration the witnesses of petitioner No.1 Ajay Batta were present and no lady was present or was produced before the Sub Registrar. Submitting that the allegations in the First Information Report give rise to only a dispute of civil nature between the brother and sister and there is nothing to indicate any illegal act on part of the petitioners, learned counsel contends that the petitioners be given the benefit of anticipatory bail.

Learned State counsel opposes the prayer of the petitioners with vehemence. He submits that investigation conducted by the police shows that the agreement to sell, receipt of payment of earnest money and will etc. are all fabricated documents. For recovery of the forged documents and for probing the true facts, custodial interrogation of the petitioners is necessary.

Learned counsel representing the complainant submits that on 25.01.2016 when Sneh Lata could not find some necessary documents, she asked her son Ajay Batta, who in response abused her and gave her beatings. With regard to the incident, Sneh Lata lodged a complaint at 181 Helpline on 26.01.2016. Father of complainant Seema Budhi Raja and petitioner No.1 Ajay Batta is alive and is a disabled person. He too is

Residing with his daughter and has been physically assaulted by his son Ajay

Batta a number of times. When Sneh Lata had already executed and got registered her will in favour of her daughter on 15.05.2014 and her relationship with the petitioner had even worsened, thereafter, there was no occasion for her to execute any will in favour of petitioner No.1 Ajay Batta on 05.02.2016.

Admittedly Sneh Lata died on 04.05.2016. Prima facie, it certainly appears strange that the first will executed by Sneh Lata on 15.05.2014 was got registered by her on the same day, whereas the second will dated 15.02.2016 allegedly executed by her was left unregistered and after her death it straight came to the hands of petitioner No.1 Ajay Batta and not her husband who admittedly was residing with her. As far as the agreement to sell and receipt is concerned, it is the allegation of the complainant that her mother did not enter into the agreement to sell and also did not receive any money.

There are serious allegations of fraud and forgery against the petitioners which need to be thoroughly investigated. Thus, without going into the merits of the case and finding no ground for giving the benefit of anticipatory bail to the petitioners, the instant petition is dismissed.

(SNEH PRASHAR)
JUDGE

04.07.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No