

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

**CRM No.M-26347-2016 (O&M)
Date of Decision: 06.03.2017**

Sukhjinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

2. CRM No.M-39845-2016 (O&M)

Kuljinder Singh Sidhu ... Petitioner

Versus

State of Punjab ... Respondent

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

Present:- Mr. Surinder Garg, Advocate for the petitioner(s).

Ms. Shivali, AAG, Punjab.

Mr. D.S. Sukarchakia, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM-M-26347-2016 (Sukhjinder Singh Versus State of Punjab) and CRM-M-39845-2016 (Kuljinder Singh Sidhu Versus State of Punjab) as both these petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.94, dated 09.05.2013, under Sections 420/465/467/468/471/120-B IPC, registered at Police Station Division No.5, Civil Lines, Ludhiana, District Ludhiana.

Counsel for the parties have been heard.

Briefly noticed the allegations against the present petitioners are with regard to having allegedly forged the Will of their grandfather.

Complainant is the step brother of the petitioners herein.

On 10.08.2016, when CRM-M-26347-2016 came up for hearing before this Court, submission made by counsel was noticed that the Will in question relates back to the year 1984 and the mutation on the basis thereof was sanctioned in the year 1991 and even civil litigation is pending between the parties.

Per contra, counsel appearing for the complainant had argued that after registration of the FIR, the petitioner had been called upon to furnish the original Will but instead of doing so, he proceeded abroad.

At that stage i.e. on 10.08.2016, counsel appearing for the petitioner had contended that the petitioner is ready and willing to cooperate in the matter and will come back to India, if interim protection is granted.

In the light of such rival submissions, indulgence was shown by this Court and he was granted interim protection subject to his appearing before the Investigating Officer on 26.09.2016.

In the connected petition i.e. in CRM-M-39845-2016, notice of motion was issued by a coordinate Bench of this Court in the following terms:

“Notice of motion.

On the asking of the Court, Mr. B.S.Thind, AAG, Punjab, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned AAG, Punjab during the course of the day.

Adjourned to 28.11.2016.

In the meantime, in case the petitioner comes back to India and joins investigation he shall be released on interim bail by the investigating officer subject to the conditions

envisaged under Section 438 (2) Cr.P.C. However, he will join investigation as and when his presence is required.”

During the course of arguments today, learned State counsel who is on instructions from ASI Harjinder Pal Singh apprises the Court that Sukhjinder Singh i.e. petitioner in CRM-M-26347-2016 had appeared before the Investigating Officer on 26.09.2016 and Kuljinder Singh Sidhu petitioner in CRM-M-39845-2016 had joined investigation on 20.11.2016.

The conceded position of fact is that both the petitioners thereafter have proceeded abroad without even praying and obtaining requisite permission from this Court.

Both the petitioners as such are guilty of having misused the concession of pre-arrest bail as they were circumscribed by the conditions laid down under Section 438(2) Cr.P.C.

These two petitions after grant of interim relief by this Court were adjourned on more than one occasion.

Even today, the petitioners are stated to be residing abroad.

The conduct of the petitioners dis-entitles them from the concession of pre-arrest bail.

Both the petitions are accordingly dismissed.

06.03.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |