

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

CRM-M-35731-2017

Date of decision:- 27.11.2017

Gurmukh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Harmandeep Singh Saini, Advocate
for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Gurmukh Singh, an accused in FIR No.193 dated 19.8.2017, under Sections 420/465/467/468/471 IPC, registered at Police Station Sohana, District S.A.S. Nagar (Mohali).

Briefly stated, the facts of the case as per prosecution story are that FIR was recorded on the basis of statement of complainant Pal Singh, in which he alleged that his son Gurmukh Singh in connivance with other co-accused had forged and fabricated a Will said to have been executed by his brother Mehar Singh, who had died unmarried and issueless and that the thumb impressions available on the Will were in

fact not appended by him (Mehar Singh) but those were appended by some impersonator. Formal FIR was registered. Accused was arrested in this case on 19.8.2017 and presently he is in custody and is facing trial. The petitioner had moved an application for regular bail in Court of Sessions at S.A.S. Nagar (Mohali) but was unsuccessful and the same was dismissed vide order dated 28.8.2017 passed by learned Additional Sessions Judge, S.A.S. Nagar (Mohali). Hence the present petition.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that the Will in question is a genuine document and the petitioner had received compensation on its basis way-back in the year 2010 and it was after passage of seven years that FIR in question was lodged, the motive for the same being protracted litigation between complainant and the petitioner, who are related as father and son and further no report from the FSL or other expert is there with regard to the thumb impressions on the Will. He prays that petition be allowed.

Learned State counsel has vehemently opposed the request contending that though no report from FSL or any Fingerprint Expert is there on record but then in the year 2012, he had got copy of the Will attested from the Notary Public, Mohali and as per statement made by the Notary Public, he had seen the original Will at that time though according to the present petitioner, the original Will was lost in the year 2010 itself,

regarding which he had recorded DDR No.34 dated 4.8.2010, Police Station Sector 31, Chandigarh. However, it is a matter whether the Will in question is a genuine document or a forged one.

Without expressing any opinion on the merits of the case, I find it proper and appropriate, if concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, S.A.S. Nagar (Mohali), subject to the following conditions:

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

However, to address the apprehensions expressed by learned State counsel that petitioner may not abscond or tamper with the prosecution evidence, it is directed that the trial Court/Chief Judicial Magistrate, S.A.S. Nagar (Mohali) would make the petitioner surrender his passport, if it has not got done by the investigating agency earlier.

In addition to that the trial Court may impose any term and condition found suitable.

In case the petitioner violates any term and condition on

which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

27.11.2017

Brij

(H.S. MADAAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No