

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-5060 of 2017

Date of Decision: February 16, 2017

Jaspreet Singh Nambardar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Mr. Paras Talwar, Advocate
for the complainant.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the petitioner was only an attesting witness to the will stated to have been executed by Bhupinder Singh and even the complainant in the FIR herself executed an affidavit before the Executive Magistrate, Ludhiana on 03.08.2015, to the effect that her son, i.e. Bhupinder Singh, who had died on 14.07.2015, had executed a will on 11.07.2015 in favour of his uncle, Manjit Singh, his own wife, (i.e. Bhupinder Singhs' wife) Navneet Kaur and his sons Harshvir Singh and Karanvir Singh. In the said affidavit, the signature and stamp of the Executive Magistrate are stated to have been affixed, below the statement that “The above person appeared and deposed before me”.

Learned counsel for the complainant, on the other hand, submits that the FIR has been registered after the report of the Forensic Science Laboratory, Punjab, was received, to the effect that the signatures in

the will are not of the persons who is shown to be the executant of the will,
i.e. the late Bhupinder Singh.

He further submits that the affidavit referred to herein above, a copy of which has been annexed as Annexure P-3, was simply an affidavit prepared in the Tehsil office and signed after the photograph of the executant was taken at the E-Sampark window, without any statement having been made before the Executive Magistrate.

Having considered the above, though of course, the issue of the affidavit does raise concern, with regard to the validity of such an affidavit, however, keeping in view that the will is stated to be of 11.07.2015, with the executant shown to have been murdered on 14.07.2015, and there being an FSL report to the effect that the signatures on the will do not actually match that of the deceased, I do not think this is an appropriate case for grant of anticipatory bail. However, whatever has been observed herein above, shall only be taken to be an observation in the context of the petition seeking anticipatory bail and not on the actual merits of the case.

Accordingly, the petition is dismissed.

(AMOL RATTAN SINGH)
JUDGE

February 16, 2017
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: no