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

CRM-M-7352 of 2017

Date of decision: July 12, 2017

Narenderdeep Sandhu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

Mr. G.B.S. Dhillon, Advocate for respondent No.2.

A.B. CHAUDHARI, J

This is a petition for cancellation of anticipatory bail granted to respondent No.2 by the trial Court, on 23.07.2014, in case FIR No.72 dated 19.08.2011, under Sections 420, 465, 467, 471, 120-B of Indian Penal Code, 1860, registered at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioner-complainant, in support of the petition for cancellation of bail, vehemently argued that the offence committed by respondent No.2 being grave and serious, the trial Court ought not to grant bail to respondent No.2. He submits that the offence relates to the forgery of the Will and therefore, the plea for bail cannot be granted who has committed heinous crime. Except this act of respondent No.2, the petitioner has been put to very serious losses and therefore, the bail should not have been granted by the trial

Court. Hence, bail granted to respondent No.2 by the trial Court deserves to be cancelled.

Per contra, learned State counsel submits that dispute between the parties appears to be of civil nature, though, the *mens rea* is also involved and therefore, the criminal action by lodgement of FIR was taken by the police.

I have heard learned counsel for the rival parties. At the outset, it is seen that the bail order was passed by the trial Court, on 23.07.2014, whereas, the present petition for cancellation of bail was instituted in this Court, on 28.02.2017. The case is triable by the Magistrate. The FIR was registered in the year 2011. The trial Court gave the following reasons for granting bail to respondent No.2:-

“The will on the basis of which complaint has been filed is the subject matter before the learned SDM Khanna, as on the basis of said will, the applicant and his brothers have sought the sanctioning of the mutation, whereas the complainant has raised objections qua the genuineness of the will. The report has been though sought from FSL Chandigarh but it is still to be adjudicated with regard to the genuineness of the will. The said will is already lying appended in the case file before the learned SDM Khanna. Even otherwise, when the case is based upon document, then as per the ratio decidendi laid down in the case law referred by the learned counsel for the applicant, in that very eventuality, the custodial interrogation of the applicant is not at all required.”

For the reasons recorded by the trial Court on merits so also for want of any misuse of bail on the part of respondent No.2 for

the aforesaid period of 3 years, I think it is not case for exercising power of this Court to cancel bail granted to him by the trial Court.

In that view of the matter, this petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

July 12, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No