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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8093-2017 (O&M)

Date of Decision:- September 27, 2017

Biba Manjit Kaur Grewal and others

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Gautam Dutt, Advocate,
and Mr. Swarn Tiwana, Advocate,
for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

Mr. J.S.Bedi, Senior Advocate with
Mr. Harsh Chopra, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

CRM-30882-17

For the reasons mentioned in the application, which is supported by an affidavit, Annexures A/1 to A/4 are taken on record.

CRM stands disposed of.

Main Petition.

Present petition under Section 438 of Code of Criminal Procedure [Cr.P.C.] for grant of anticipatory bail to the petitioners in case, bearing FIR No. 141 dated 04.09.2015 (Annexure P/1) registered under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station - Fatehgarh Sahib, District Fatehgarh Sahib.

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2. The matter in controversy revolves around properties of Sant Baba Balwant Singh Maharaj Charitable Trust and alleged transfer of the same on the basis of Will dated 9.11.2009. The present FIR was lodged on the basis of complaint made by Giani Bhajan Singh. As per the complainant, Sant Baba Balwant Singh Maharaj died on 24.06.2014. The dispute is regarding the genuineness of the Will dated 9.11.2009.

3. Learned counsel for the petitioners contended that the Will dated 9.11.2009 was executed by Baba Balwant Singh whereby he had bequeathed his property in favour of the Trust that was created on 22.08.2007 by him. Thereafter, Baba Balwant Singh died on 24.06.2014. Subsequently, a civil suit was filed regarding declaration and complaint was filed on the basis of which, present FIR was registered.

4. Learned counsel for the petitioners also contended that the report from the FSL is already available with the police, affirming the fact that the signatures were actually that of aforesaid person and on the basis of that, order was issued by Sub Divisional Magistrate-cum-Collector Ist Grade, Mohali on 15.03.2016 and mutation No.1371 was sanctioned.

5. Learned State counsel, on instructions from ASI Avtar Singh, contended that the petitioners have already joined the investigation and they are not required for further investigation.

6. Learned senior counsel representing the complainant, however, contended that a perusal of copy of sale deed available on the file itself establish that the Will is a forged document. In fact, the property which was being managed by Baba Balwant Singh belong to Udasin Dera and as such, this property could not be devolve in any manner except upon the

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next Mahant/Mohitmim of the Udasin Dera. The forged Will has been created just as a mechanism to illegally usurp and amass the properties of the Dera and the entire matter requires custodial investigation and the present petition be dismissed.

7. Having considered the above facts; that the matter in controversy resolves around the genuineness of Will dated 9.11.2009 and the report from the FSL is already available on the file; the matter regarding legality and validity of the Will is also pending before the Civil Court. The petitioners have already joined the investigation and as per learned State counsel, on instructions from ASI Avtar Singh, the petitioners are not required any more for custodial investigation in this case.

8. In view of the above, the present petition is allowed and the petitioners are directed to join the investigation, as and when called upon to do so, and shall abide by the conditions as provided under Section 438 (2) Cr. P.C. In the event of their arrest in this case, the petitioners are ordered to be released on pre-arrest bail on their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer.

9. The petition stands allowed in the above terms.

September 27, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes/No
Yes/No