

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

CRM No.M-28189 of 2016 (O&M)

Date of Decision: 06.07.2018

Satnam Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

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

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

Dr. Malvika Singh, AAG, Punjab.

Mr. P.S.Khurana, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition was filed under Section 439 (2) of the Code of Criminal Procedure seeking cancellation of concession of pre arrest bail that had been granted in favour of respondent No.2 herein in case FIR No.93 dated 19.06.2015, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Sadar Jalalabad, District Fazilka vide order dated 10.02.2016 passed in CRM No.M-81 of 2016.

Briefly noticed, FIR had been registered on a complaint made by Satnam Singh on the allegations that the respondent herein/accused had made an attempt to usurp the property belonging to one Harnam Singh who had died issueless. The precise allegations were with regard to a forged and fabricated Will dated 15.05.1962 having been set up and which was

subsequently registered in the year 2013.

The concession of pre arrest bail was granted by this Court in the light of order dated 10.02.2016 upon noticing that respondent No.2 would join investigation subject to the condition that he would appear before the Investigating Officer within one week from the date of passing of the order and furnish two documents i.e.

- i) death certificate dated 12.05.1964 of Harnam Singh
- ii) copy of Will dated 15.05.1962.

It was further directed that respondent No.2 upon furnishing the aforementioned two documents would be duly furnished a receipt.

The entire basis of filing the instant petition and seeking cancellation of pre arrest bail is that the conditions imposed by this Court while granting concession of anticipatory bail have not been complied with.

Accordingly, notice of motion was issued.

Respondent in response to the petition has filed a written statement.

Counsel for the parties have been heard and pleadings on record have been perused.

Insofar as the death certificate dated 12.05.1964 of Harnam singh is concerned, respondent No.2 has placed on record along with a written statement at Annexure R-2/3 (colly.) an application that had been submitted under the provisions of Right to Information Act seeking the original 'death certificate' of Harnam

Singh and in response thereto memo dated 17.02.2017 (Annexure R-2/3 colly.) and whereby a copy of the certificate issued by the Government of Punjab, Health and Family Welfare Department, Chief Registrar Birth and Deaths, Punjab was supplied.

It is the contention raised by counsel for respondent No.2 that said certificate was duly supplied to the Investigating Officer.

Such contention has not rebutted by State counsel on instructions from ASI Balbir Singh as also counsel representing the petitioner/complainant.

As regards the copy of Will dated 15.05.1962 allegedly propounded by Harnam Singh and which formed the very basis of the allegations and registration of the FIR in question, Mr.P.S. Khurana, learned counsel submits that a copy thereof has been furnished to the Investigating Officer. It is further submitted that he has instructions that original document i.e. Will in question would be produced before the Court in the criminal proceedings on the next date i.e. 19.07.2018.

Further uncontroverted factual position is that investigation having been completed, challan was presented and now the matter is fixed before the competent Court for framing of charges.

In the light of above, the instant petition seeking cancellation of anticipatory bail to respondent No.2 is disposed of as not pressed. Contention raised by counsel for the petitioner/complainant is recorded to the effect that the production

of documents in question i.e. death certificate dated 12.05.1964 as also the Will dated 15.05.1962 of Harnam Singh would be subject to verification in accordance with law.

Petition disposed of.

06.07.2018 vandana	(TEJINDER SINGH DHINDSA) JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No