

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

**CRM-M No.12316 of 2018 (O&M)
Date of Decision: 12.07.2019**

Satnam Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gurcharan Dass, Advocate for the petitioners.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab
for the respondent/State.

Mr. G.N.Malik, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.25 dated 25.02.2018, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Amargarh, District Sangrur.

This Court, while issuing notice of motion on 23.03.2018, passed the following order:-

“ The instant petition has been filed under Section 438 Cr.P.C seeking the concession of pre-arrest bail to the petitioners in case FIR No.25 dated 25.2.2018 under sections 420, 467, 468, 471, 120-B I.P.C, registered at Police Station, Amargarh, District Sangrur.

Counsel submits that FIR has been registered on the complaint of Sarabjit Singh Grewal and who is none other than the real brother of the present petitioners. Allegations in a nutshell are as regards a forged Will dated 11.12.1976 of Smt. Ranjit Kaur i.e. mother of the complainant having been set up and on the strength of which mutation of 28 bighas of land having been sanctioned on 25.12.2012.

Counsel argues that the petitioners are five brothers and one sister. As per mutation sanctioned on the basis of Will dated 11.12.1976 even the complainant himself was a beneficiary as also the other four brothers (including the petitioners) to the exclusion of their sister. It is argued that till date no civil proceedings have been initiated either by the complainant or their sister Jaswinder Kaur pertaining to the alleged forged Will as also mutation. Further urged that the FIR in question has been got lodged with an oblique motive as there was a money dispute between the parties and surprisingly the complainant has left out the other two brothers from the array of accused in spite of being beneficiaries of the same very Will/mutation.

Notice of motion, returnable for 8.5.2018.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C. ”

Contentends that in terms of above order, petitioners have joined the investigation.

Learned State Counsel, on instructions from ASI Maghar Singh, has acknowledged that in terms of order dated 23.03.2018, petitioners have

joined the investigation and their custodial interrogation is no longer required.

In view of above, interim order dated 23.03.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

July 12, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No