

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

**CRM-M No.47675 of 2019
Decided on: 05.12.2019**

Tilak Raj	Versus	Petitioner
State of Punjab		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Amit Goyal, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.13 dated 17.07.2018, for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (in short 'IPC'), 13(1)(D) and 13(2) of the Prevention of Corruption Act registered at Police Station Vigilance Bureau, Amritsar, District Amritsar.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the complainant – Dilbag Singh, he along with his brothers have purchased some property in village Modde, District Amritsar in the year 1974 from Chanan Singh. Later on, the petitioner – Tilak Raj and the nephew of the vendor Chanan Singh and Bir Singh have forged a Will of his grand-mother namely Pratap Kaur in the year 1971 and on the basis of the same, a suit for partition was filed in the year 2014. It is further argued that the allegation relates to purchase of the property in the year 1974 and

regarding a Will which is the subject-matter of a civil suit and since 2014, it was in the knowledge of the complainant that the petitioner has set up a Will. It is also submitted that the petitioner is not involved in any other case and primarily, it is a family dispute.

Counsel for the State, on instructions from Inspector Shamsher Singh has argued that challan has been prepared and the same will be presented soon before the trial Court.

Counsel for the complainant has, however, opposed the prayer for bail on the ground that the grand-mother Pratap Kaur, whose Will is set up by the petitioner in the year 1971 was, in fact, died in the year 1963.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 19.09.2019; the offences are triable by the Court of Magistrate; the Will, in dispute, is already a subject-matter of a civil suit, which was instituted way-back in the year 2014 and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.12.2019

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No