

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6612-2020 (O&M)
Date of decision: 19.02.2020

Rajkaran Singh and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Randeep Singh Rai, Sr. Advocate with
Mr. Ashok Paul Batra, Advocate and
Ms. Amanpreet Kaur Sabharwal, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. R.K. Girdhar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0006 dated 10.01.2020 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Sadar Shri Muktsar Sahib.

Learned senior counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of Sukhdev Kaur, widow of deceased Baldev Singh, the petitioners, who are sons of Baltej Singh and Mangal Singh, real brothers of deceased Baldev Singh, have forged the Will dated 15.06.2018. It is further submitted that in the FIR, it is stated that since Baldev Singh was not well, he was taken care by the petitioners, being his real

nephews and during the course, when he was under treatment, they might have got his thumb impression for the purpose of preparation of the Will. Thereafter, a mutation, on the basis of said Will, was sanctioned on 04.12.2018, however, in an appeal filed by the complainant, the same was set aside, as it was declared a contested mutation.

Learned senior counsel for the petitioners further submits that now the complainant has also filed a civil suit for declaration to the effect that she is owner of the property left by her husband Baldev Singh, with a further prayer to declare the Will dated 15.06.2018 as null and void and also to grant decree of possession, as it is stated that in the meantime, the petitioners have taken the possession of the land in dispute. It is further argued that though in the FIR, it is stated that during the lifetime of Baldev Singh, the petitioners were cultivating the land with his consent, which is now changed to forcibly dispossession of the complainant, as per the pleadings in the civil suit.

Learned senior counsel for the petitioners has next argued that even as per the Will, out of 07 acres of land, 1.5 acres was left for the complainant and the remaining land was given to four nephews/petitioners in equal shares. It is lastly submitted that in order to show their bonafide, the petitioners are ready to pay Rs.1.75 lac per year to the complainant in two installments i.e. 1st May and 1st December of each year during pendency of the trial, subject to their right of defence to be taken during the trial and also without prejudice of any of their right.

Learned State counsel, on instructions from ASI Guriqbal Singh and assisted by learned counsel for the complainant, has submitted that deceased Baldev Singh used to sign all the documents, as he was 7th standard

pass and he never put his thumb impression, which raises a suspicion about validity of the Will.

Without commenting anything further on merits of the case, considering the submissions made by learned counsel for the parties and also in view of the fact that it is admitted case of the complainant that the petitioners are in possession of the property in dispute and status and nature of their possession is yet to be ascertained by the Civil Court, this petition is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It is directed that the petitioners will deposit total amount of Rs.1.75 lac per year with the trial Court, which will be paid to the complainant, who is widow of deceased Baldev Singh, i.e. first installment on 1st May and second installment on 1st December each year, till conclusion of the trial.

In case of making any default, it will be open for the complainant to revive this petition.

[ARVIND SINGH SANGWAN]
JUDGE

19.02.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No