

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

CRM-M-12014-2020

Date of Decision:-**27.7.2020**

HARPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursharan Singh, Advocate for the petitioner.

Mr. Randeep Singh Khaira, AAG, Punjab.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court)

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.37 dated 3.3.2020 under Sections 420, 465, 467, 468, 471, 201, 120-B IPC at Police Station Dhariwal, District Gurdaspur.
2. At the time of issuance of notice of motion, following order was passed.

“Learned counsel for the petitioner contends that the FIR has been registered by Sharandeep Kaur who is the wife of the younger [blood] brother of the petitioner. The complainant's husband is residing in Italy. Learned counsel for the petitioner submits that the allegations in the FIR are false. In fact there is a matrimonial dispute between the younger brother of the petitioner and his wife i.e. Complainant and only due to this the complainant

filed this false complaint regarding preparing the testamentary will.

In fact, no false will has been prepared by the petitioner. The said will has been executed by the father of the petitioner much prior to the marriage of the complainant and the mutation in this regard was sanctioned in the year 2014. Learned counsel further submits that this is a property dispute being civil in nature.

Notice of motion.”

3. Learned State counsel has informed that pursuant to interim directions issued on 7.5.2020, the petitioner has since joined investigation. He has however submitted that since the original Will has not been produced by the petitioner, he does not deserve the concession of bail.
4. I have heard rival submissions addressed before this Court.
5. Keeping in view the fact that the Will in question is stated to have been prepared even before the marriage of the petitioner and mutation already stands effected and that the petitioner has already joined investigation, in my opinion, it is not a case which would warrant custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 7.5.2020 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

27.7.2020
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No