

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

**CRM M-23959 of 2020 (O&M)**

**Date of Decision: August 24, 2020**

(1) Kishore Chand .....Petitioner  
Versus  
State of Punjab .... Respondent

**CRM M-24033 of 2020 (O&M)**

(2) Sushil Kumar .....Petitioner  
Versus  
State of Punjab .... Respondent

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Ranbir Singh Sekhon, Advocate  
for the petitioner in CRM M-23959 of 2020.

Mr. C.L. Verma, Advocate  
for the petitioner in CRM M-24033 of 2020.

Mr. J.S. Ghumman, DAG, Punjab.

**FATEH DEEP SINGH, J. (Oral)**

The matter has been taken up through  
video-conferencing on account of outbreak of pandemic COVID-

19.

The above detailed two anticipatory bail applications both under Section 438 Cr.P.C. one by Kishore Chand and another by Sushil Kumar having been moved in FIR No. 224 dated 08.08.2020 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station City Ferozepur, District Ferozepur and are being taken up together for disposal.

The present case was got registered by complainant Manju Arora wife of Sanjay Arora and daughter-in-law of deceased Subash Chander Gulati against present accused petitioners Kishore Chand and Sushil Kumar and their co-accused non-applicants/petitioners Rinku Gulati @ Rubi Gulati, Subash Chaudhary. The allegations in the brief are that Subash Chander Gulati was the owner of certain properties who died on 25.02.2017. It is alleged that accused Rinku Gulati @ Rubi Gulati managed and in connivance with petitioners Kishore Chand and Sushil Kumar got prepared a forged and fabricated unregistered Will dated 15.06.2016 and got managed to get it registered on 11.08.2017. It is, subsequently, upon knowledge the Will was sent for forensic science laboratory which opined that signatures of the deceased on this Will were forged leading to registration of the present case.

Mr. R.S. Sekhon and Mr. C.L. Verma, learned counsel for the petitioners *inter alia* contends that the petitioners

are not the beneficiaries of the Will and had only signed as attesting witnesses. The counsel have debunked the allegations that they have no role to play in the commission of the crime and has sought to wriggle out of the imbroglio that they merely signed the Will at the asking of Rinku Gulati @ Rubi Gulati, daughter-in-law of the deceased and nothing is to be recovered from their possession.

Mr. J.S. Ghumman, DAG, Punjab Learned State counsel has vehemently opposed the bails on the grounds of seriousness of the allegations and that the custodial interrogation is very much essential to bring about the manner of this crime as it is still at initial stage of investigation.

Going through the submissions, admittedly, Subash Chander Gulati has since died and so his sons. Co-accused/non-applicant/petitioner Rinku Gulati @ Rubi Gulati happens to be the daughter-in-law of deceased Subash Chander Gulati. It is much after the death of the deceased the Will was prepared which is dated 15.06.2016 and got registered subsequently on 11.08.2017. The report of the forensic science laboratory clearly details that the signatures on the Will were forged and did not belong to deceased Subash Chander Gulati. The petitioners being attesting witnesses have identified the testator and is in itself reflective that they have identified the impersonators for obvious reasons. Being a case based on

circumstantial evidence, for which, the custodial interrogation of the petitioners is very much essential and this Court in view of the sensitivity of the matter is not inclined to allow the bails as provisions of Section 438 Cr.P.C. are to be sparingly used.

Hence, both these applications stand dismissed.

**August 24, 2020**  
amit rana

**(FATEH DEEP SINGH)**  
**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No