

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-5944-2020 (O&M)

Gurpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-7010-2020 (O&M)

Kamaljit Singh ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-9701-2020 (O&M)

Swaranjit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-9.7.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Sukhpreet Kaur Grewal, Advocate for the petitioner(s).

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Rupinder Kaur.

Mr. G.B.S. Dhillon, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Gurpreet Singh, Kamaljit Singh and Swaranjit Kaur seeking grant of anticipatory bail in respect of a case registered vide FIR No.58 dated 26.7.2019 at Police Station Jodhan, District Ludhiana (Rural) under Sections 420/465/467/468/471/120-B and 447 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Gurpreet Kaur, daughter-in-law of Bahadur Singh (deceased).
3. The dispute in hand pertains to the estate of Bahadur Singh, father-in-law of the complainant, who expired on 9.3.2013. Bahadur Singh was survived by a son namely Charanjit Singh and a daughter namely Swaranjit Kaur. The son of Bahadur Singh i.e. Charanjit Singh also expired in the year 2018. As per FIR, after death of Bahadur Singh mutation was registered in respect of his estate equally in the name of Charanjit Singh (son) and Swaranjit Kaur (daughter). However, subsequently the daughter Swaranjit Kaur propounded an unregistered Will purported to have been executed by her father Bahadur Singh in her favour, which according to the complainant is a forged Will. The said Will was attested by Gurpreet Singh and Kamaljit Singh.
4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the instant case and that in fact the complainant has herself admitted the factum of the Will in question at the time of sanction of mutation on the basis of the Will in question. Learned counsel, in this regard, has referred to the affidavit dated 9.1.2019 (Annexure P-3), wherein Gurpreet Kaur (complainant) has categorically admitted that her father-in-

law had executed an unregistered will dated 6.11.2012 in favour of her sister-in-law Swaranjit Kaur. Learned counsel has further submitted that pursuant to interim directions issued by this Court in all the three cases, the petitioners have since joined investigation.

5. Opposing the petition, learned State counsel assisted by counsel for the complainant has submitted that in the instant case not only the Will in question is forged but infact even the affidavit (Annexure P-3) is also forged. It has been pointed out by learned counsel for the complainant that the stamp paper on which affidavit (Annexure P-3) was allegedly executed was purchased by none else but by Kamaljit Singh, the so called attesting witness, who is infact hands in gloves with Swaranjit Kaur. Learned counsel for the complainant has further pointed out that the fact that the Will had been forged would also be evident from the fact that subsequently the accused in order to destroy the evidence regarding their forgery have come up with a plea that the Will in question was lost and the so called attesting witness Kamaljit Singh lodged a DDR regarding said loss i.e. DDR No.017 dated 4.5.2019 registered at Police Station Kharar, District SAS Nagar. It has been submitted that it remains unexplained as to why it is the attesting witness instead of the beneficiary, who lodged the DDR. Learned counsel has further submitted that infact as on the date of alleged execution of will, Kamaljit Singh, attesting witness of the will, was in England and he had no opportunity to attest the Will in India. Learned State counsel has, however, informed that pursuant to interim directions the petitioners have since joined investigation and that the petitioners are neither involved in any other case and nor their custodial interrogation is required.

6. I have considered rival submissions addressed before this Court.
7. This Court does find that there are specific allegations of forgery of Will on part of the accused. The contentions put forth before this Court on behalf of learned counsel for the complainant regarding the alleged forgery and regarding the fact that Kamaljit Singh, attesting witness of the Will, was not in India when the Will was allegedly executed, do need to be probed thoroughly. However, this Court also finds that this is a case which would entirely be based on documentary evidence and, as such, custodial interrogation would not strictly be warranted. Since the petitioners have already joined investigation and have a clean record, the petitions are accepted and the interim directions issued by this Court vide orders dated 11.2.2020, 17.2.2020 and 5.3.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.
8. Since the investigation is still going on, it is directed that the Investigating Officer shall thoroughly investigate the matter pertaining to alleged forgery particularly as regards the contention put forth before this Court today that the attesting witness of the Will was not in India when the same was allegedly executed.
9. The petitions stand accepted accordingly.

9.7.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No