

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

**CRM-M-23798 of 2021
Date of Decision: 14.07.2021**

Sukhwant Kaur and another

Petitioners

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K. B. Raheja, Advocate for the petitioners.
Ms. Monika Jalota, DAG, Punjab.
Mr. A. P. Kaushal, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed for grant of anticipatory bail in FIR No. 52 dated 21.5.2021, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Ghall Khurd, District Ferozepur.

The FIR was at the instance of daughter-in-law of Sukhwant Kaur and Malkit Singh (petitioners in the present petition). The basic dispute is with regard to the share in the property of the deceased husband of the complainant. The petitioners have claimed share on the basis of a registered Will. The allegations are that the Will is forged and it was on the basis of a false affidavit that mutation was got sanctioned. It would be appropriate to note at this stage that the issue with regard to validity of the Will and for partition of the property is *sub judice* before the Civil Court.

Learned counsel for the petitioners submits that the FIR is a weapon being used by the complainant to pressurize the old couple to get the husband's property. No recovery is to be made. The matter is civil in

nature.

Though the complainant has not been impleaded as party, yet Mr. A. P. Kaushal, Advocate puts in appearance on behalf of the complainant. He vehemently opposes the prayer for pre-arrest bail. The submission is that though it is a family matter but the intention of the petitioners is to deprive the complainant from her legitimate share in the property of her deceased husband. There is filing of false affidavit for getting the mutation sanctioned. The serial number on which the Will was registered pertains to some other registration.

Learned counsel for the State appearing on advance notice relies upon the allegations in the FIR to oppose the prayer for grant of pre-arrest bail.

The root cause is a family dispute between the daughter-in-law and the in-laws. The allegations are with regard to a registered Will. The validity of Will and the dispute with regard to partition of property is before the Civil Court. As per allegations in the FIR, the case set up is on the basis of documentary evidence. Considering that no recovery is to be made from the petitioners, it is not a case where custodial interrogation is required. The petitioners are granted anticipatory bail subject to their joining investigation within 15 days. In the event of arrest, the petitioners shall be released on bail subject to their furnishing adequate bail bonds to the satisfaction of the Investigating Officer. They are directed to join the investigation as and when called for. They shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioners to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

14th July, 2021
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No