

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

**CRM-M-31162-2021
DECIDED ON: 5th AUGUST, 2021**

MOHD. SALIM

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Ms. Supriya Garg, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

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

[2] This is a petition seeking anticipatory bail in FIR No. 386, dated 7th October, 2020, under Sections 420, 467, 468 and 120-B IPC registered at Police Station Farakpur, District Yamuna Nagar.

[3] The FIR was at the instance of Rajni Kumari. As per the contents of the FIR, the mother of the complainant was the owner in possession of plot measuring 240 square yards situated at Sasoli Prahlad Puri, Yamuna Nagar. The mother of the complainant executed a 'Will' dated 19th June, 2017 in favour of the complainant and her two brothers. Ranbir Singh forged an agreement and filed a suit, which was dismissed on 19th January, 2019. The appeal filed by Ranbir Singh was dismissed due to his

submitted a file for transferring the plot, it transpired that accused in connivance with each other prepared a forged 'Will' and affidavits and got transferred the plot in the name of Ranbir Singh. Imran and Salim (petitioner) were the attesting witnesses.

[4] Learned counsel for the petitioner submits that the name of the petitioner surfaced in the disclosure statement of the co-accused. The co-accused had given five disclosure statements, the same are not reliable. She further relied upon the pleadings to show that the mastermind of the entire incident was Imran, who was granted regular bail.

[5] Learned State counsel vehemently opposes the grant of bail. She submits that it is not a case where the petitioner was merely an attesting witness. There are allegations that he received a sum of ₹3 lakhs for signing the forged 'Will'. She further submits that the matter is still under investigation and custodial interrogation of the petitioner is required.

[6] The allegations are that the petitioner had received a sum of ₹3 lakhs for signing the 'Will'. The veracity of the evidence or statements would be subject matter of trial. The matter is under investigation. It would not be appropriate at this stage to make any further comment on the allegation made. Suffice to say as on date the contention that petitioner was merely attesting witness is debatable. As rightly argued by learned State counsel that custodial interrogation would be necessary to probe into various angle involved in the matter. Petitioner is seeking anticipatory bail and hence cannot claim parity with the co-accused enlarged on regular bail.

[7] No ground is made for grant of anticipatory bail.

[8] Dismissed.

[9] It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

5th AUGUST, 2021
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*
Whether reportable *Yes*