

CRM-M-37714-2020 (O&M) and
CRM-M-38600-2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208-I)

1. CRM-M-37714-2020 (O&M)
Meeta GoyalPetitioner

Versus

State of Punjab and anotherRespondents

2. CRM-M-38600-2020 (O&M)
Meeta GoyalPetitioner

Versus

State of Punjab and anotherRespondents

Date of decision: - 11.11.2021

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gagan Pradeep Singh Bal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Bipan Ghai, Senior Advocate
with Mr. Paras Talwar, Advocate
for respondent No.2.

HARSIMRAN SINGH SETHI, J. (ORAL)

This common order is being passed in above-mentioned two
petitions, arising out of the same case being FIR No.126 dated 16.07.2020

(Annexure P-2), registered under Sections 420, 467, 468, 471 and 201 IPC, at Police Station Kotwali Nabha, District Patiala.

Present petitions have been filed for setting aside the order dated 03.09.2020 (Annexure P-1 in 1st petition), passed by learned Additional Sessions Judge, Patiala, by which, respondent No.2-Pawan Kumar Garg has been extended the benefit of anticipatory bail and order dated 03.09.2020 (Annexure P-1 in 2nd petition), passed by learned Additional Sessions Judge, Patiala, by which, respondent No.2-Aru Goyal has been extended the benefit of regular bail.

Learned counsel for the petitioner argues that the benefit of regular bail and anticipatory bail, which have been extended by the learned trial Court in favour of the respondents, is not at all warranted keeping in view the facts and circumstances of the present case. Learned counsel for the petitioner further argues that the evidence had come on record during the investigation that the Will in question is a forged Will, therefore, the concession of bail extended to accused-Pawan Kumar Garg as well as Aru Goyal was not correct, hence, the said concession may kindly be withdrawn by cancelling the the bail/anticipatory bail extended to the respondent-accused in these petitions. Learned counsel for the petitioner submits that the allegations upon accused-Aru Goyal is that he connived with his brother Karanveer Goyal to prepare a forged Will and the allegations upon accused-Pawan Kumar Garg is that he was one of the attesting witness of the said alleged Will, but without appreciating the seriousness of the allegations alleged, the trial Court has passed the

impugned orders extending the concession of regular bail and anticipatory bail, as the case may be, to the accused persons. Learned counsel for the petitioner further submits that once, the Will in question was sent for examination to the forensic experts, the trial Court should not have extended the concession of regular bail/anticipatory bail in favour of respondents in these petitions till the Forensic Report is received by the Investigating Agency.

Learned Senior counsel appearing on behalf of respondent No.2 submits that while extending the benefit of anticipatory bail, the Courts are to only appreciate, as to whether, the grant of the said concession, will impact the investigation or the trial, as the case may be and in the present case, nothing has been averred by the petitioner that by the grant of the benefit of anticipatory bail and regular bail to the accused persons, either the investigation or the trial has been influenced in any manner and in the absence of the said factual aspect, no grievance can be raised by the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, perusal of the impugned order shows that the concession of regular bail has been granted to accused-Aru Goyal by the learned trial Court with due reasons mentioned therein. Similar is the case where anticipatory bail has been extended in favour of accused-Pawan Kumar Garg, which order also explains the reasons for the grant of the same. Once, learned counsel for the petitioner has not been able to

show that the said reasons are either arbitrary or non-existence, no interference is required to be made with those impugned orders by this Court.

Learned counsel for the petitioner has not been able to point out any infirmity in the order either factual or legal. Only argument raised is that trial Court should not have exercised the jurisdiction to grant the bail/anticipatory bail to the respondent-accused in these petitions.

In the absence of any infirmity being pointed by learned counsel for the petitioner on factual aspect, the jurisdiction exercised by the learned trial Court, which explains the reasons for passing the impugned orders, needs no interference by this Court. Merely that a particular document has been sent for an examination by the forensic expert, cannot be a ground to deny any benefit, much less, bail or anticipatory bail if the Court is satisfied that grant of bail or anticipatory bail will cause no hindrance in the investigation or the trial as the case may be. Bail is rule whereas the jail is exception. In the present petitions, nothing exceptional has been pointed out by the learned counsel for the petitioner so as to deny the bail to the respondent-accused in these petitions.

It may be recorded herein itself that a Co-ordinate Bench of this Court had already granted the benefit of interim bail to the main accused despite the fact that the Will was still with the forensic expert for their opinion.

Keeping in view the facts and circumstances noticed

hereinbefore, no ground is made out for interference in the impugned orders.

Dismissed.

As the main petitions have been dismissed, the applications bearing CRM-3677-2021 and CRM-3400-2021 stands disposed off.

November 11, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No