

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

**CRM-M-5676-2022
Date of decision: 07.04.2022**

Hari Singh Fauji and another **...Petitioners**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sunny Kumar Singla, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 6 dated 19.01.2022, registered under Sections 420, 120-B, 465, 467 IPC at Police Station Sandaur, District Malerkotla.

The operative part of the order dated 10.02.2022, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners argues that the petitioners are not the beneficiary of the Will, which is being termed as forged and rather, even as of now, the said Will has not been challenged in any Court of Law alleging it as being forged. Further, it is submitted that the mutation of land, which has been entered into the name of the complainant, on being challenged before the higher forum on the basis of the Will, an interim order has been passed in favour of the person, who is beneficiary under the Will i.e. namely, Harcharan Dass. Learned counsel for the petitioners submits that as the petitioners are only the attesting witnesses to the said Will and nothing is to be recovered from them, they may kindly be extended the

concession of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Ms. Gursharan Kaur, Advocate, who has also joined the proceedings through video conference, appears on behalf of the complainant.

Learned State counsel submits that serious allegations have been made against the petitioners of attesting a forged Will though, nothing is to be recovered from the petitioners.

Learned counsel appearing on behalf of the complainant vehemently argues that the petitioners in connivance with the main accused i.e. Harcharan Dass has forged the Will so as to grab the property and hence, the prayer of the petitioners for the anticipatory bail may kindly be declined.

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

Keeping in view the fact that the petitioners are not the beneficiary of the alleged forged Will and have not got any financial benefit coupled with the fact that nothing is to be recovered from them, the purpose of investigation will be achieved in case, petitioners are directed to join the investigation and co-operate.

Petitioners are directed to join the investigation forthwith.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 10.02.2022, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Harjinder Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 10.02.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

07.04.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No