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

CRM-M-10048-2022

Date of decision:05.05.2022

MALTI RAJPUT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.19 of 14.01.2022, registered at Police Station Gadpuri, District Palwal, wherein offences constituted, under Sections 420, 467, 468, 471, 120-B of IPC, are embodied.
2. This Court, through an order made, on 09.03.2022 had granted ad-interim bail to the present bail petitioner.
3. The incriminatory role, as became assigned to the present bail petitioner is, that on the basis of a forged death certificate of her husband, hers securing the attestation of mutation of his estate in her favour. The further incriminatory role as assigned to her, is comprised in the factum, that the marriage *inter-se* one Neelam, and, the deceased, though stood annulled through a decree of divorce being granted by the Civil Court of competent jurisdiction, on 01.12.2015, but since thereafter there was yet no legal marriage solemnized *inter-se* the petitioner, and, the deceased concerned, thereupon, the present bail

petitioner was not holding any vestige of any entitlement to succeed to the estate of her purported deceased husband.

4. Since occurrence of the demise of the deceased-husband, and, most importantly, at the stage of attestation of a purportedly stained order of mutation as made qua the present bail petitioner, did then happen, thereupon its occurrence at the relevant stage, does *prima-facie*, hence make the apposite forged death certificate to be not bearing any consequence, on the order of mutation, which became attested, on his demise save, and, except that for the afore reason the present bail petitioner was rather *prima-facie* not entitled to get any mutation of his estate attested in her favour. Even otherwise, the apposite mutation, if is erroneously recorded, it may be yet cancelled, whereupon the pain if any of all concerned, may become mitigated.

5. If *prima-facie* on the afore ground the present bail petitioner, was not entitled to succeed to the estate of her purported husband, yet when it is also stated at the bar, by the learned State counsel, that at the time of attestation of mutation appertaining to the estate of the deceased concerned, even the victim-injured was not holding any subsisting valid marriage with the deceased concerned, thereupon, one Neelam, who claims to be the legally wedded wife of the deceased, also *prima-facie* alike the petitioner did not hold any vestige of any entitlement to succeed to the estate of the deceased concerned, rather may be the legitimate offsprings of the deceased concerned, may become entitled to succeed to the estate of their deceased father.

6. In sequel and, also when no evidence becomes placed on record by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or,

tampering with prosecution evidence. As a corollary, this Court, is constrained to admit the present bail petitioner to anticipatory bail.

7. In summa the order as made, by this Court, on 09.03.2022, is made absolute on the same terms and conditions. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

8. This order is only for the disposal of the petition, and, shall have no bearings on the merits of the case.

05.05.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No