

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

CRM-M-17352-2021 (O&M)

Date of decision : 02.03.2022

Ajaib Singh and another Petitioners

Vs.

State of Punjab and another ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Jain, Advocate for the petitioners.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0010 dated 23.12.2020 under Sections 411, 420, 465, 467, 468, 471 and 120-B Indian Penal Code, 1860 (Sections 380 and 457 IPC added later on) registered at Police Station NRI, District Patiala, who are in custody since their arrest on 05.01.2021.

The above FIR was registered on the basis of a complaint given by complainant-Navdeep Kaur, wherein it was alleged that she is daughter of Pritam Singh, who expired on 25.09.2020, whereas her mother had died on 06.02.2016. The complainant being only child and nominee of her parents is presently residing in Australia and is unable to come to India because of travel restrictions. Her father owned agricultural land apart from 3.5 acres of shamlat land being cultivated

from years, which has been acquired by the government. According to the complainant, she holds joint account with her father in Punjab National Bank and requested to transfer the amount of compensation to the said account. As per allegations, someone illegally occupied the assets of her father and her father's contact number has port-in facility from Reliance Jio to Airtel and is being used by Pargat Singh son of Ajaib Singh without any documentation.

Learned counsel for the petitioners has argued that as per prosecution, petitioners have forged the Will dated 06.05.2020, purported to be executed by Pritam Singh, father of complainant, namely, Navdeep Kaur, to deprive her from inheriting his property. According to him, the petitioner No.2 being propounder of the Will has already filed a suit on 17.11.2020 for declaration against the complainant. According to him, the dispute between the parties, who are closely related is purely of civil nature and as the investigation of the case is complete, therefore, further custody of the petitioners may not be necessary. He further submits that the petitioners are not involved in any other case of similar nature. He prays for bail.

On the other hand, learned State counsel assisted by ASI Gurdip Singh has opposed the prayer and has stated that indeed the final report stands filed before the Court of competent jurisdiction, however, the trial is yet to commence. He on instructions further states the case is now fixed before the trial Court for framing of charges on 07.03.2022.

Considering the above background, custody of the petitioners and the fact that the offences are triable by Magistrate, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioners may not serve any useful purpose, who are presently confined in judicial custody after their arrest on 05.01.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

02.03.2022

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No