

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

Criminal Misc. No.M-29155 of 2022(O&M)

Date of Decision: July 11, 2022

Manjit Sony

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Mansur Ali, Advocate
for the petitioner.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439(2) Cr.P.C seeking cancellation of anticipatory bail granted to Prem Inder Kumar @ Goga – respondent No.2 in case FIR No.42 dated 30.03.2022 under Sections 420, 120-B IPC (Sections 467, 468, 471 IPC added later on), Police Station Dakha, District Ludhiana Rural vide order dated 06.05.2022 passed by Ld. Additional Sessions Judge, Ludhiana.

The FIR was lodged on the complaint of the petitioner, who stated that his grand-father Nanak Chand had expired on 28.07.1985. In 2010, Tilak Raj – accused in collusion with Preminder Kumar Goga (respondent No.2) applied for Death Certificate of Nanak Chand from Nagar Panchayat. After getting the Death Certificate, Tilak Raj in collusion with Harbans Lal, Kishore Kumar Verma, Harbhajan Singh Numberdar and Deed Writer Bharpur Singh Hissowal prepared an ante-dated Will of Nanak

Chand dated 17.10.1984. On 17.10.1984 Harbhajan Singh was not Numberdar of Mullapur, and Bharpur Singh, Deed Writer was a student only. It was also alleged by the complainant that the mastermind behind all this was Prem Inder Kumar, Ex. President, Nagar Panchayat, Mandi Mullanpur (respondent No.2), who got prepared the Death Certificate and handed over it to accused Tilak Raj. The mutation of the property was sanctioned on the basis of the said Will.

The bail applications of Prem Inder Kumar @ Goga (respondent No.2) and accused Bharpur Singh were listed together for hearing on 08.04.2022 before the Ld. Additional Sessions Judge, Ludhiana, who after considering the rival contentions, observed as under:-

“... .. It has emerged out that a civil litigation is already pending. Additionally it has also emerged out that almost on the same facts earlier a detailed inquiry was conducted by senior police officers upto the Rank of DIG and in that case nothing was found against the accused. This Court is not concluding that applicants are or not involved in the present case. Such determination is possible only after due trial. But for the purpose of bail earlier findings of innocence by police almost on same facts are sufficient to consider the case of applicants favourably. It shall not be out of place to mention that a writ petition was filed by Dwarka Dass through present complainant in the year 2013. Once the matter had already cropped up in 2013 upto Hon'ble High Court, revival of those aspects again in 2022 create a favourable case in favour of applicants, which is sufficient to grant them bail.”

It was in view of the aforesaid circumstances that the Ld. Additional

Sessions Judge, Ludhiana vide order dated 08.04.2022 granted interim anticipatory bail to respondent No.2 and one Bharpur Singh. The accused were directed to join investigation and compliance report was called for. The said order was confirmed vide the impugned order dated 06.05.2022. Liberty was granted to the prosecution to move separate application for cancellation of bail in case of non-cooperation and non-participation.

The Ld. Additional Sessions Judge after considering all the facts and circumstances of the case, has given the relief of anticipatory bail to the respondent - accused. There is no justifiable ground to interfere with the said order.

Petition is dismissed.

July 11, 2022
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No