

209-A

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

**CRM-M No.46969 of 2021
Date of Decision: 18.02.2022**

Himba Sheina @ Himba Shiena

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Davinder Singh Khurana, Advocate
 for the petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana.

MEENAKSHI I. MEHTA, J.

The petitioner herein has sought the relief of regular bail in the criminal case arising out of the FIR bearing No.222 dated 02.07.2021 registered at Police Station DLF Phase-1, District Gurugram, under Sections 420, 467, 468, 471, 120-B IPC wherein the offence under Section 201 IPC is stated to have been added later-on.

Bereft of unnecessary details, the allegations, as levelled by complainant Jagdeep Singh in the subject FIR, are that the petitioner is his wife and their relations have become strained. The co-accused of the petitioner named Ashwani is his former employee, who had been thrown

out of the job because of his having siphoned off the funds from the account of his (complainant's) Company. His mother was the owner of a Flat in Gurugram and she had bequeathed the same to his (complainant's) father vide a Will duly registered on 22.10.2008. After the death of his mother, his father became the exclusive owner of the said Flat and after the death of his father, he (complainant) inherited this Flat as well as other properties of his father. However, the petitioner, in connivance with her said co-accused, forged a Will dated 27.05.2009 purported to have been executed by her mother-in-law (complainant's mother) in her favour. She filed a civil suit on the basis of the said Will which was decreed and thereafter, he came to know about the alleged Will.

Reply has already been filed on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police, DLF, Gurugram.

I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has been in custody since 07.07.2021 and the Challan has already been presented and she is not involved in any other criminal case and rather, she has been got falsely implicated in this case due to the matrimonial discord between her and her husband, i.e the complainant and therefore, she deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the petitioner is

the beneficiary of the disputed Will and she had forged the same to grab the afore-said Flat and keeping in view the gravity of the offence as committed by her, this petition be dismissed.

The complainant has specifically alleged in the FIR that his mother had bequeathed the said Flat to his father vide the registered Will dated 22.10.2008. The Will in question is claimed to have been executed by her thereafter on 27.05.2009. It has categorically been deposed in Para No.2 of the Reply that the petitioner did not get the original Will in dispute recovered. Then, in Para No.4 therein, it has been further mentioned that in his statement as recorded under Section 161 Cr.PC, Parveen Kumar Angrish, the Notary Public, whose stamp appeared on the forged Will dated 27.05.2009, has stated that the above-said Will had not been notarized by him and there was no entry to this effect in his Register for the year 2009 and that at that time, he had been using the traditional wooden stamp whereas the self-inking stamp had been used on the said Will and that the stamp and the signatures on this Will did not pertain to him and he did not know anything about the same. Keeping in view the gravity of the allegations as levelled against the petitioner, mere period of her incarceration in this case since 07.07.2021 does not suffice at all to grant her the benefit of regular bail and that too, in the eventuality when even the charges have not been framed and thus, the trial is yet to commence in the case.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before

shall be construed to be an expression of the opinion of this Court on the merits of the case.

February 18, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>