

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

**CRM-M No.54453 of 2022
Date of Decision: 08.12.2022**

Ashwani Kumar

.....Petitioner.

Versus

State of Haryana

.....Respondent.

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

Present:- Mr. Randeep Singh, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has made the second attempt to seek the relief of regular bail in the criminal case arisen out of the FIR bearing No.0222 dated 02.07.2021 registered at Police Station DLF Phase-1, Gurugram, under Sections 420, 467, 468, 471 and 120-B IPC, wherein the offence under Section 201 IPC is stated to have been added later-on. It is worth-while to mention here that the petition bearing **CRM-M No.31668 of 2021**, as moved by the petitioner earlier for seeking the same relief, had been dismissed by this Court vide the order dated 18.02.2022.

2. Bereft of unnecessary details, the allegations levelled against the petitioner in the present case, are that he, along-with his co-accused named Himba Sheina, had forged a Will as purported to have been executed by the mother-in-law of his said co-accused in her favour.

3. Learned State counsel has preferred not to file any written reply in the instant petition.

4. I have heard learned counsel for the petitioner as well as learned State counsel in this petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that after the dismissal of the above-mentioned first bail petition, the charges have been framed against the petitioner and his co-accused and out of total 12 prosecution witnesses named in the list annexed with the Challan/Charge-Sheet, 04 witnesses, including the complainant, have already been examined and moreover, the afore-named co-accused of the petitioner, who was the beneficiary of the alleged forged Will, has already been extended the relief of regular bail by the Apex Court vide the order dated 29.11.2022 passed in **Special Leave Petition (Criminal) Dairy No.28314/2022** titled as **Himba Sheina @ Himba Shiena Versus The State of Haryana**, while observing that she had been arrested on 07.07.2021 and has undergone the custody for more than one year and four months and the petitioner is alleged to be only the attesting witness of the said Will and was also arrested on the same day, i.e 07.07.2021 and is behind the bars since then and in these circumstances, he deserves the relief as prayed for in the present petition.

6. Learned State counsel does not dispute the afore-referred factual position.

7. Keeping in view the above-discussed facts and circumstances

and also the facts that it is not the petitioner but his afore-named co-accused, who is alleged to be the beneficiary of the Will in dispute and she has already been granted the relief of regular bail by Hon'ble the Supreme Court and the case of the petitioner, as the alleged attesting witness to the said Will, is, thus, on a better footing than that of his above-said co-accused and without commenting or expressing any opinion on the merits of the case, the instant petition is allowed and the petitioner named Ashwani Kumar is ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

December 08, 2022

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No