

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr.No.258(2 cases)

Case No. : CRM-M-4246-2023

Date of Decision : February 20, 2023

Bablu Kumar Kushwaha Petitioner

vs.

State of Haryana Respondent

Case No. : CRM-M-6417-2023

Date of Decision : February 20, 2023

Suraj Kumar and another Petitioners

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Madan Sandhu, Advocate
for the petitioners (in both cases).

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

Vide this common order, two petitions i.e. **CRM-M-4246-2023**
and **CRM-M-6417-2023** shall be disposed of as the FIR involved in both
the petitions is the same, arising out of the same occurrence.

These are two petitions under Section 438 Cr.P.C. seeking
anticipatory bail in case FIR No.388 dated 04.07.2022, under Sections 420,
419, 467, 468, 471 and 120-B IPC, registered at Police Station Mujesar,

District Faridabad.

As per version in the FIR, complainant made a statement that his grandfather Shri Ramnath had a house and a plot, who died on 27.06.2009. His grandmother Smt.Treta Devi pre-deceased him on 19.12.1997. Bablu's son Nand Lal, along with Suraj, Prakash and Deepika hatched a conspiracy and got a fake Will registered on 23.04.2021 by impersonating some person as grandfather of the complainant and grabbed the property of his grandfather.

Learned counsel for the petitioner has submitted that Ramnath had executed a Will dated 22.04.2021 before his death on 28.06.2021. The complainant had twisted the facts by submitting that Ramnath died on 27.06.2009. The complainant is a relative of the petitioners and residing in the same house in which the petitioners are residing. In order to grab the property, he has falsely implicated the petitioners. The Death Certificate dated 01.02.2022 of grandfather of the petitioners showing his date of death as 27.06.2009 has been annexed as Annexure P-3.

Learned counsel for the petitioners has further submitted that the petitioners were granted interim bail by learned Sessions Judge, Faridabad on 23.12.2022. They joined investigation but their anticipatory bail applications were dismissed. No recovery is to be effected from the petitioners. The case is based on documentary evidence. The Will in question is to be examined by the Civil Court. Therefore, the petitioners be granted concession of anticipatory bail.

Learned State counsel has opposed the bail petitions on the ground that verification of death of Ramnath was made from his native

village Awajpur, District Chandoli and it was reported that Ramnath died in the year 2009. A copy of report of Block Development Officer, Dhanapur, Chandoli (UP) has been annexed as Annexure R-1. It is further reported by the said Block Development Officer that earlier report of Gram Panchayat Officer regarding death of Ramnath in the year 2021 was found to be wrong. In these circumstances, the petitioners do not deserve the concession of anticipatory bail.

Heard.

The dispute is with regard to the Will dated 22.04.2021 executed by Ramnath. It is specific case of the petitioners that Ramnath died on 28.06.2021. His Death Certificate has also been placed on the file as Annexure P-3. However, during investigation, it was confirmed that Ramnath died in the year 2009 and report of Mr. Ashwani Singh, Gram Panchayat Officer regarding death of Ramnath in the year 2021 was found to be wrong.

Prima facie, the petitioners have procured the Death Certificate of Ramnath (Annexure P-3) on the basis of wrong report. Petitioner Bablu is witness on the Will dated 22.04.2021 allegedly executed by Ramnath. Thus, he had identified the impersonator namely Rambilash as Ramnath. The other petitioners Suraj Kumar and Prakash Kumar are beneficiaries of the Will. They all joined hands illegally to grab the property of Ramnath.

In view of what has been discussed in the preceding paragraphs, custodial interrogation of the petitioners is required to unearth the truth.

In such cases, if a person is equipped with an order of

anticipatory bail, interrogation becomes a mere ritual. This view of mine finds support from a judgment passed in the case of State represented by the C.B.I. vs. Anil Sharma reported as 1997 (7) SCC 187 wherein it has been specifically held that :-

“...Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual.”

Accordingly, keeping in view the gravity of the offence and the fact that granting concession of anticipatory bail to the petitioners may hamper the investigation, no ground for grant of anticipatory bail is made out. Both the petitions i.e. CRM-M-4246-2023 and CRM-M-6417-2023 are hereby dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

A photocopy of this order be placed on the file of the other connected matter.

February 20, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.