

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

2023:PHHC:135386

CRM-M-10373-2023 (O&M)

Date of decision: October 17th, 2023

Smt. Neelam Sarang and another

.....Petitioners

Versus

Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Babbar Bhan, Advocate
for Mr. Vijay Dahiya, Advocate
for the petitioners.

Mr. Akashdeep Singh, Additional Public Prosecutor,
U.T. Chandigarh.

Complainant-Vikram Dev Singh Sarang in person
with Ms. Bindiya Sharma, Advocate.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioners are seeking grant of the concession of anticipatory bail under Section 438 Cr.P.C. in FIR No.172 dated 24.11.2022 under Sections 420, 467, 468, 471, 474, 120-B IPC registered at Police Station Central Sector 17, Chandigarh.

2. Vide order dated 17.04.2023, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel inter alia contends that it is essentially a case of civil nature wherein the parties are disputing genuineness of the Will purportedly executed in favour of both of them by late Piara Singh, who was grandfather of the complainant and father-in-law of the present petitioners. He submits that it is a case resting on documentary evidence and the petitioners are ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioners submits that in compliance of order dated 17.04.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned counsel for U.T. Chandigarh, on instructions, does not dispute the factum of the petitioners having joined investigation and having cooperated with the investigating agency. It has also been submitted that as per the report received from CFSL, Gujarat, the signatures on the alleged Will were found to be forged. However, learned counsel, on instructions, submits that since all the documents are in the possession of the investigating agency, the petitioners are not required for further investigation much less for their custodial interrogation.

5. Learned counsel for the complainant, while opposing the prayer made by the counsel opposite, submits that the petitioners had not approached this Court with clean hands as he had made a false statement that a civil suit was pending between the parties, whereas the fact of the matter was that the civil suit in question already stood dismissed.

6. Learned counsel for the petitioners has, however, controverted the submissions made by the learned counsel for the complainant qua the civil suit having been dismissed. It has been submitted that the civil suit between the parties, no doubt, was dismissed but it was dismissed in default, and thereafter, had since been restored, and was now pending for 18.11.2023.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In the facts and circumstances as enumerated hereinabove, more so since the petitioners have joined investigation and cooperated with the investigating agency, coupled with the fact that the case rests on documentary evidence, the instant petition is allowed and interim order dated 17.04.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
9. Pending applications, if any, stand disposed of.

October 17th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No