

2023:PHHC:128539

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21831-2023

Date of decision:-04.10.2023

Sukhbir Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA.

Present:- Mr. Arpan Sabharwal, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA J. (ORAL).

1. Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C. in case FIR No.116 dated 29.04.2015, registered at Police Station Division No.5, District Ludhiana, under Sections 419, 420, 467, 468, 471 and 120-B IPC.

2. On 15.05.2023 following orders was passed by this Court:-

“CRM-22154-2023

This is an application to place on record the legible copy of the Passport and VISA of the petitioner.

Allowed.

Copy of Passport and VISA of the petitioner are taken on record.

CRM-M-21831-2023

Petitioner prays for grant of anticipatory bail in case FIR No.116, dated 29.04.2015, registered at Police Station Division No.5, District Ludhiana, under Sections 419, 420, 467, 468, 471 and 120-B IPC.

Contention of learned counsel is that FIR in question was lodged by the brother-in-law (sister's husband) of the petitioner by alleging forging of the Will of deceased Smt. Kulwant Kaur. It is pointed out that FIR has

been lodged on 29.04.2015, whereas petitioner had left India to Birmingham on 06.12.2013 in relation with his business and has not returned till date. To support his contention, learned counsel for the petitioner has drawn attention towards VISA of the petitioner revealing that he had arrived in India on 06.12.2013 and left on 09.01.2014. It is further inter alia contended that co-accused after facing trial, has since been acquitted by the Trial Court vide judgment dated 17.10.2022 (Annexure P-4).

Learned counsel for the petitioner contends that despite the fact that petitioner is residing in England for the last more than nine years and even at the time of lodging of the FIR, he has been declared proclaimed offender by way order dated 05.06.2017 (Annexure P-3).

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 31.07.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

3. Counsel for the petitioner submits that pursuant to the interim direction granted vide order dated 15.05.2023, the petitioner had joined the investigation.
4. Learned State counsel on instructions from HC Rakesh Kumar, has not disputed the fact regarding petitioner's joining the investigation.

5. In view of the above, the interim order dated 15.05.2018 is made absolute.
6. Disposed of.

(DEEPAK GUPTA)
JUDGE

04.10.2023
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No