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204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25379-2023 (O&M)
Date of Decision: 29.09.2023

Rajan Kumar Garg

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Abhishek Sethi, Advocate,
for the petitioner.

Mr. G.S.Sandhu, DAG, Punjab,
for respondent No.1-Stae.

Mr. Rahul Aggarwal, Advocate, for
Mr. Rahul Sharma, Advocate,
for respondents No.2 and 3.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed under Section 439(2) of the Cr.P.C. seeking cancellation of anticipatory bail granted to private respondents No.2 and 3 by the Sessions Judge, Fatehgarh Sahib, vide its order dated 17.12.2021 and 27.05.2022, in case FIR No.316 dated 03.12.2021, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, for non-compliance of the order dated 17.01.2023 passed by this Court.

2. A perusal of the record shows that respondents No.2 and 3 were granted anticipatory bail by the Court below, vide its order dated 17.12.2021 and 27.05.2022. However, the petitioner had filed an application for cancellation of the anticipatory bail granted to the above said respondents on

the ground that the said respondents had not even provided the original of the Will to the Investigating Officer. As a result, vide order dated 17.01.2023, this Court had modified the order of anticipatory bail and added two more conditions to the grant of anticipatory bail to respondents No.2 and 3, including that the respondents No.2 and 3 shall provide the original Will to the Investigating Officer.

3. Learned counsel for the respondent-State has pointed out that the original Will has not been supplied by respondents No.2 and 3 to the Investigating Officer even now. Instead, an affidavit has been filed that the original of the Will was given by respondents No.2 and 3 to the Halka Patwari at the time of entering of mutation, and accordingly, the original Will is still lying with the Halka Patwari. The police may get recovered the said Will from the Halka Patwari concerned.

4. As a response to this, learned counsel for the petitioner has produced a copy of the mutation entry qua the property in question, wherein it has been recorded that after making entry in the record, original of the Will was returned to respondents No.2 and 3. Accordingly, it is submitted that the original Will is still with respondents No.2 and 3 and they are deliberately not giving the said Will to the Investigating Officer.

5. In view of the above, the present petition is disposed of by further ordering that if respondents No.2 and 3 do not provide the original Will in question to the Investigating Officer within a period of ten days from today, then the anticipatory bail granted to respondents No.2 and 3, vide orders dated 17.12.2021 and 27.05.2022 and modified by this Court vide order dated

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17.01.2023, shall be deemed to have been cancelled and the Investigating Officer shall be at liberty to take respondents No.2 and 3 in custody.

6. However, if the copy of the said Will is so supplied to the Investigating Officer, then the aforesaid orders of anticipatory bail granted to respondents No.2 and 3; shall become absolute.

(RAJBIR SEHRAWAT)
JUDGE

29.09.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No