

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

CRM-M-27286-2022

Date of Decision: January 17, 2023

RAJAN KUMAR GARG

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND ORS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pardhuman Garg, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

Mr. Gaurav Dutta, Advocate
for respondents No.2 and 3.

ANOOP CHITKARA, J.(ORAL)

This petition has been filed by the petitioner under Section 439(2) Cr.P.C. for cancellation of anticipatory bail in case FIR No.316 dated 03.12.2021 under Section 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib (Annexure P-1).

Complainant seeks cancellation of bail on various grounds mainly that the original Will is still with the accused and unless it is scientifically examined the truth cannot surface and the justice will not be done.

On realizing that this Court is inclined to cancel the bail, the accused counsel states on instructions that the bail be not cancelled and further stringent conditions may be imposed along with the conditions already imposed.

Be that as it may.

Given the statement of counsel representing the accused, the present petition is disposed of with the clarification that the order granting bail, the following two conditions shall be added to the order granting bail and in case such conditions are not complied with on this ground alone, it shall be permissible for the complainant to come again to this Court for cancellation of the bail.

1. Within fifteen days from today, the respondent No.2 and 3 shall forward to the Investigator/SHO and the complainant/victim(s) the complete details of bank account numbers with addresses, fixed deposits, DEMAT account numbers, the current market value of jewelry, sovereign metals, all precious articles, held either individually or jointly, and cash-in-hand. ***If the petitioner fails to comply with this condition, then on this ground alone the bail might be canceled, and the complainant may file any such application for the cancellation of bail, and State shall file the said application.***

2. Accused-respondent No.2 and 3 shall handover the original Will to the investigator within 15 days from today, in case, they have not lost the same or if it is not destroyed. In case they have lost or destroyed the same, hand over an affidavit to that effect to the investigator.

Application disposed of with liberty.

(ANOOP CHITKARA)
JUDGE

17.01.2023

Sangeeta

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No