

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

CRM-M-51698-2022
Date of Decision:-**02.03.2023**

DALBIR SINGH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Rakesh Singla, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.211 dated 29.4.2022 registered under Sections 420, 458, 467, 468, 471, 506, 34 IPC at Police Station Sadar Fatehabad, District Fatehabad.

The allegations in brief are that Bhalla Singh was brother of the petitioner and complainant is wife of said Bhalla Singh who has since died. There are allegations that Rajinder Singh son of the petitioner forged Will dated 5.8.2020 purported to be executed by Bhalla Singh in his favour in connivance with the petitioner and other accused persons to usurp the

property of Bhalla Singh, which has been succeeded by the complainant on the basis of natural succession.

On the last date of hearing detailed order was passed whereby the petitioner was granted interim bail with direction to join the investigation.

The counsel for the petitioner *inter alia* contends that the petitioner is aged about 71 years and is neither beneficiary nor signatory to WILL dated 5.8.2020 alleged to be executed by his brother Bhalla Singh in favour of Rajinder Singh son of the petitioner. He further contends that the civil litigation with regard to genuineness of the aforesaid WILL is pending in the Court and copy of plaint is Annexure P-7. The counsel for the petitioner further submits that in compliance of the previous order the petitioner has joined the investigation with the police and that main accused Rajinder Singh has been arrested and the case is based on the documents which are already in possession of the investigating agency.

The counsel appearing on behalf of the complainant submits that son of the petitioner is the beneficiary who forged WILL in question in connivance with the petitioner. The counsel for the complainant further submits that the present petition deserves to be dismissed.

State counsel on instructions from ASI Guralpal submits that the petitioner actively participated along with his son Rajinder Singh and forged WILL in question by conspiring with the other accused persons. However the State counsel has not disputed the fact that the petitioner is not beneficiary of the WILL and further main accused Rajinder Singh has been

arrested and the WILL in question is lying in the custody of the police and that the petitioner has joined the investigation.

I have considered the submissions made by counsel for the parties.

No doubt the petitioner is father of main accused Rajinder Singh but he is neither signatory to nor beneficiary of WILL in question and further civil litigation regarding validity of the WILL in question is pending in the Civil Court. Furthermore the petitioner who is more than 70 years has already joined investigation with the police and the documents in question are already taken into possession by the police and nothing remains to be recovered from the petitioner. Besides, main accused Rajinder Singh who was arrested is presently lodged in judicial custody.

In view of the matter, no purpose is going to be served even if the petitioner is subjected to custodial interrogation at this stage.

Consequently without commenting on the merits of the case, the present petition is hereby allowed and order dated 10.11.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

02.03.2023
Himanshu/Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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