

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

CRM-M-55453-2022
Date of Decision:-**02.03.2023**

VIJAY KUMAR AND ANR.

... Petitioners

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Rakesh Singla, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

This petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing 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 co-accused Dalbir Singh and complainant is wife of said Bhalla Singh who has since died. There are allegations that Rajinder Singh son of said Dalbir Singh forged WILL dated 5.8.2020 purported to be executed by Bhalla

Singh in his favour in connivance with both the petitioners who signed the said WILL as its attesting witnesses.

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

The counsel for the petitioners *inter alia* contends that the petitioners are not beneficiary of the WILL in question alleged to be executed by Bhalla Singh in favour of Rajinder Singh. 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 petitioners have 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 the petitioners connived with Rajinder Singh and forged WILL in question as per which Rajinder Singh is testamentary legal heir of Bhalla Singh. 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 petitioners actively participated along with Rajinder Singh and other accused and forged WILL in question by conspiring with each other. 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 petitioners have joined the investigation.

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

No doubt petitioner No.1 is cousin of main beneficiary Rajinder Singh, but he himself is not beneficiary of the WILL in question. The only allegations against both the petitioners are that they signed the WILL in question as its attesting witnesses. Admittedly even petitioner No.2 is not beneficiary of said WILL. Further civil litigation regarding validity of the WILL in question is pending in the Civil Court. Furthermore the petitioners have 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 petitioners. 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 petitioners are 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 30.11.2022 is hereby made absolute. The petitioners should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

02.03.2023
Himanshu/Gaurav Sorot

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