

CRM-M-60419-2022 (O&M)
CRM-M-60509-2022 (O&M)

2023:PHHC:055044
-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207+101

CRM-M-60419-2022 (O&M)
Date of decision: 19.04.2023

SARUP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CRM-M-60509-2022 (O&M)

MOHINDER PAL SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gaurav Chopra, Sr. Advocate with
Mr. Vardaan Seth, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Amit Khatkar, Advocate for the applicant-complainant.

AMAN CHAUDHARY. J.

This common order shall dispose of above-mentioned two petitions
as they arise out of the same FIR.

Present petitions have been filed under Section 438 of the Code of
Criminal Procedure for grant of anticipatory bail to the petitioners in FIR No.224
dated 03.12.2022, registered under Sections 465, 467, 468, 471 and 120-B IPC at
Police Station Model Town, Ludhiana.

On 23.12.2022, this Court had passed the following order:-

“The present petitions have been filed under Section 438

Cr.P.C. for grant of pre-arrest bail to the petitioner(s) in case FIR No.224 dated 03.12.2022, registered under Sections 465, 467, 468, 471 and 120-B IPC at Police Station Model Town, Ludhiana.

Learned senior counsel inter alia contends that the probate petition was filed with regard to the Will in question along with an affidavit of one Narinder Singh who was the attesting witness (who though before police has stated otherwise) as also the other witness namely, Surender Kaur, sister of the testator who is also supporting the alleged will and has also given her statement before the police in this regard. It is his further submission that the mother of the complainant has also lodged an FIR against the complainant bearing FIR No.134 dated 12.11.2022 (Annexure P9) registered under Sections 420, 406 and 120-B IPC at Police Station Barakhamba for initiating proceedings before the NCLT with regard to the illegal transfer of shareholding of the testator as well as her own share holding. In the Will in question it is stated to have withdrawn and also cancelled the previous Will executed on 29.09.2015, which was in favour of the complainant on ground that the resentment and griefs that the testator had with his older son i.e. the petitioner herein have since been settled. The civil dispute is being given the colour of criminal case. He further submits that petitioner is ready and willing to join and co-operate with the investigation.

Notice of motion for 15.02.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State and Mr. Amit Khatkar, Advocate appears on behalf of complainant.

Meanwhile, the petitioner is directed to join the investigation on or before 28.12.2022. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the connected case files numbered above.”

Learned Senior counsel for the petitioners submits that in pursuance of order dated 23.12.2022, of this Court, the petitioners have not only joined investigation but have also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur. He further submits that the certified copy of the Will as sought by the investigating agency has been

Learned State counsel on instructions from ASI Balwinder Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency as well as the submission of the certified copy of the Will. He also submits that at this stage, the petitioners are not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, the present petitions are allowed and the order dated 23.12.2022, granting interim bail to the petitioners, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioners fail to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

Pending applications, if any, stand disposed of accordingly.

A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

April 19, 2023

M.Kamra

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No