

S. No.105+208

2024:PHHC:057424

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

**CRM-M-643 of 2024 (O&M)
Date of Decision:26.04.2024**

**Jitender Kumar Mittal and another Petitioners
Vs.
State of Haryana and others Respondents**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Suman Jain, Advocate with Mr. Rahul Bansal,
Advocate for the petitioners.**

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Ashwani Talwar, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

CRM No.18204 of 2024

This is an application moved by the complainant to place on record written submissions by way of affidavit of complainant – Sakshi Gupta, along with copy of partnership deed dated 25.10.2010 as Annexure R-2/1.

Application is allowed. Written submissions of complainant along with Annexure R-2/1 are taken on record.

CRM-18050-18051 of 2024

CRM No.18051 of 2024 has been moved by the applicant- petitioners to place on record copy of the partnership deed dated 25.10.2010 as Annexure A.1 and also to exempt filing certified copy thereof by way of another application i.e. CRM No.18050 of 2024.

Applications are allowed. Annexure A.1 is taken on record by exempting to file certified copy thereof.

CRM-M-643 of 2024

Status report by way of an affidavit of Shri Kuldeep Singh, HPS, Deputy Superintendent of Police, Guhla, Kaithal has been filed on behalf of the respondent- State.

By way of present petition filed under Section 439 Cr.P.C., petitioners prays for grant of regular bail in case FIR No.1683 dated 07.12.2023 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Karnal Civil Lines, Karnal, Haryana.

Arguments of both the sides have been heard.

It is revealed that the two petitioners are real brothers of complainant – Sakshi Gupta. The dispute pertains to the estate of their father, Shri Niranjn Dass Mittal. The principal allegation is that the two petitioners prepared a false partnership deed dated 25.10.2010 (Annexure A.1) relating to the affairs of Flour Mill Business under the name and style of M/s Mahalakshmi Roller Flour Mills. In the said partnership deed, they have made reference of a Will of their father to claim the right to carry on the business of the said partnership firm, bequeathed in their favour.

Allegation is that the petitioners forged the Will as referred in the partnership deed. After the arrest, the petitioners were remanded to police custody as informed by learned State Counsel and it is conceded fact that no such Will as is referred in the partnership deed, was recovered from any of the petitioners. Today, it is conceded fairly by learned counsel for the petitioners that in fact no such Will exists. Thus, prima-facie it appears that in order to deprive their sister,

i.e. complainant from her one third share in the partnership business, reference of Will was made in the partnership deed.

At the same time, it is observed by this Court that the petitioners have already remained in custody for a period of 27 days before they were allowed interim bail by this Court vide order dated 12.01.2024. Said interim bail was granted to the petitioners so as to explore the possibility of compromise between the parties in the Mediation and Conciliation Centre of this Court. Unfortunately, the efforts for mediation failed.

Be that as it may, the matter is largely based upon documentary evidence. All the offences are triable by the Magistrate. Investigation is already complete. No purpose shall be served by sending the petitioners behind bars.

As such, present petition is accepted. The interim bail granted to the petitioners vide order dated 12.01.2024 is hereby made absolute subject to their furnishing fresh personal and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

Apart from the usual conditions, which are to be imposed by the trial Court/ Duty Magistrate concerned, the petitioners shall deposit their passports before it and will not leave the country without prior permission of the Court. They will not try to influence any of witnesses associated with the case.

Disposed of.

April 26, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No