

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110 CRM-M-15508-2024
Date of Decision : April 10, 2024

NEELAM ARORA -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Ms. Nandini Gupta, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

- Through the instant petition, the petitioner craves for indulgence of this Court for her being enlarged on regular bail, in case FIR No.45 dated 06.03.2024, under Sections 420, 465, 467, 468, 471, 120-B of the IPC, registered at P.S. Navi Baradari, District Police Commissionerate Jalandhar.
- The present FIR was registered by the complainant- Pawan Kumar, on the allegations that, his siblings, i.e. the petitioner and other co-accused, in connivance with each other and officials of revenue department, forged a Will of their deceased parents and also got it illegally registered, without following due and lawful procedure, and, without even giving him any prior notice. Thereafter, on the basis of said forged Will, a mutation was also sanctioned in favour of the petitioner and other co-accused.

3. The complainant has further alleged in the present FIR that his father had died intestate, and, his mother, who was happily living with him, executed her first and last Will dated 31.08.2022, thereby bequeathing all her movable and immovable properties in his favour. After the demise of his father, his estate equally devolved upon his Class I legal heirs, however, in order to defeat his right, a forged and fabricated Will has been prepared by the petitioner and other co-accused. It has been further alleged that even a civil suit has been filed by the accused, however, no such declaration *qua* existence of any Will has been made therein, which renders the said Will to be surrounded by clouds of suspicion.

4. The learned counsel for the petitioner, in his asking for the relief (*supra*), submits that in fact a civil matter has been camouflaged as a criminal offence, and that, the authenticity of the Will concerned is yet to be ascertained and established before the civil court concerned. Nonetheless, he submits that since the petitioner's co-accused, namely, Radha Handa (who is alleged to be the main beneficiary of the allegedly forged Will) and Anita Sanan, have already been granted the concession of interim anticipatory bail by this Court, respectively vide orders dated 20.03.2024 and 21.03.2024, as drawn respectively upon CRM-M-14405-2024 and CRM-M-14538-2024, therefore, the petitioner, who is not even a beneficiary of the allegedly forged Will, deserves the concession of regular bail.

5. Lastly, the learned counsel for the petitioner submits that, just to cause harassment, the petitioner was arrested on 09.03.2024,

however, owing to old age ailments, she is admitted at Civil Hospital concerned by the jail authorities concerned.

6. *Per contra*, Ms. Nandini Gupta, who records her appearance on behalf of the complainant, under a validly executed Vakalatnama in her favour by the complainant, opposes the grant of regular bail to the petitioner, on the ground that, just to save themselves from criminal proceedings, the petitioner and her co-accused have not been producing the original Will either before the civil court concerned or before the investigation officer. Not only this, the original Will has not even been produced before the Registrar concerned, who has merely on the basis of photocopy of the Will, registered the same.

7. Likewise, though the learned State counsel has also opposed the grant of regular bail to the petitioner and has placed on record the custody certificate of the petitioner, however, on instructions imparted to him by A.S.I. Vinay Kumar, he does not dispute the medical condition of the petitioner. He submits that pursuant upon her arrest on 09.03.2024, the petitioner was admitted at the Civil Hospital concerned, where she remained admitted upto 18.03.2024. Thereafter, the petitioner was shifted to Guru Nanak Dev Medical College, Amritsar, where she remained admitted upto 02.04.2024 and now, she has again been brought back to the Civil Hospital concerned.

8. Be that as it may, since the allegations levelled in the present FIR *prima facie* appear to be civil in nature, coupled with the fact that: (i) the case is based upon documentary evidence; (ii) petitioner's co-accused have already been granted the concession of interim anticipatory bail; (iii)

the medical condition of the petitioner is not good, inasmuch as, pursuant upon her arrest, she has been kept under constant medical attention; (iv) petitioner’s custody would not serve any gainful purpose, as according to the learned State counsel, the investigation is yet progressing; this Court deems it appropriate to grant the relief of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. It is clarified that anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

April 10, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No