

2024:PHHC:055083

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

292

CRM-M-16689-2024
Date of Decision : April 23, 2024

MADHU DHIR @ SANGEETAPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Bhupinder Kumar Gupta, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 05.04.2024, the following order was passed:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory 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.

2. 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 one of the petitioner's co-accused, namely, Radha Handa, who is alleged to be a beneficiary of the allegedly forged Will, has already been granted the concession of interim anticipatory bail by this Court, vide order dated 20.03.2024, drawn upon CRM-M-14405-2024, therefore, the petitioner, who is not even a beneficiary of the allegedly forged Will, deserves being treated at par, through grant of an alike relief, as granted to co-accused (supra).*

5. *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 the case is based upon*

documentary evidence, and that, petitioner’s co- accused has already been granted the concession of interim anticipatory bail, this Court deems it appropriate to grant the asked for relief to the petitioner.

- 6. *Notice of motion for 23.04.2024.*
- 7. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*
- 8. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms sand conditions as envisaged under Section 438(2) Cr.P.C.*
- 9. *To be heard with CRM-M-14405-2024.”*

2. Today, the learned State counsel on instructions imparted to him by ASI Vinay Kumar, submits that the petitioner has already joined the investigation and she is fully co-operating with the investigation process and she is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 5.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 23, 2024
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(KULDEEP TIWARI)
JUDGE

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