

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM M-20109 of 2024
Date of Decision: 24.04.2024

Dr. Harbans Singh Sodhi ...Petitioner
Versus
State of Punjab and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. S.C. Arora, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 439 (2) with a prayer to set the aside the order dated 15.03.2014 passed by this Court and to cancel the regular bail granted to respondents No. 2 and 3 in a case arising out of the FIR No. 108 dated 21.11.2023 under Sections 323, 324, 342 and 34 of IPC (later on added offences under Sections 365, 465, 467, 468, 471 and 506 of IPC) registered at Police Station Khamano, District Fatehgarh Sahib.
2. Learned counsel for the petitioner contends that the petitioner/complainant, who is aged about 87 years, had lodged the present FIR against the respondents No. 2 and 3. He further submits that the petitioner was tortured by respondents No. 2 and 3 and the petitioner could not offer much resistance to them. Ultimately, he raised alarm and the neighbours had informed the doctor Rupinder Singh, son of the petitioner. Ultimately, with the intervention of the police, the petitioner was got recovered from the illegal custody of the

accused. Learned counsel further contends that the respondents No. 2 and 3 has concealed the material facts from this Court and obtained bail by misrepresentation. He further contends that it was wrongly stated by the respondents that respondent No. 2 had strained relations with the petitioner, i.e., her father and any property dispute was pending within the family. In fact, Baljit kaur, respondent No. 2 is not the biological daughter of the petitioner nor she is adopted daughter nor she is entitled to inheritance in any manner. It was wrongly stated that there was a property dispute between the parties and wrong submissions were made by the respondents No. 2 and 3 and fraudulently obtained the bail order.

3. I have heard learned counsel for the petitioner and perused the impugned order (Annexure P-1) as well as record of the case and found no ground to interfere with the order (Annexure P-1) passed by this Court, whereby, the concession of bail was granted to respondents No. 2 and 3 after suffering the custody for a period of about 03 months.

4. In fact, the petitioner/complainant has himself mentioned in the FIR (Annexure P-2) that his son Rupinder Sodhi lives in America and his foster daughter Baljit Kaur (respondent No. 2), who used to live in Chandigarh, is at present living with her husband Major Vardaan Singh @ Vardan at village Sanghol, District Fatehgarh Sahib. The wife of the petitioner is staying with Baljit Kaur. On 12.11.2023, on the occasion of Diwali, respondents No. 2 and 3 had

taken the petitioner to their house, so that he may live with them. Admittedly, the petitioner and his wife were staying with their foster daughter, as mentioned in the FIR (Annexure P-2). From the averments made in the petition and the submissions made by the learned counsel for the petitioner, it is apparent that in the present case, unfortunately, Rupinder Singh Sodhi son of the petitioner and Baljit Kaur respondent No. 2 are fighting over the inheritance of Dr. Harbans Singh Sodhi and it seems that the petitioner has filed the present petition at the instance of his son who lives in America. Even, the petitioner/complainant was duly represented during the course of arguments and after due appreciation of the submissions made from both the sides, the bail was granted to respondents No. 2 and 3.

5. Apart from that, the petitioner has failed to show that the respondents No. 2 and 3 had ever misused the concession of bail or there were chances of fleeing from the process of justice or tampering with the prosecution evidence. Even, both the respondents No. 2 and 3 had already suffered custody for about 03 months and after completion of the investigation, the concession of bail was granted to both of them. Thus, this Court finds no ground to interfere with the impugned order and the present petition is liable to be dismissed.

24.04.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

