



CRM-M-50926-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM-M-50926-2024

Date of Decision : 13.11.2024

Tirlochan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. At the oral request of the learned counsel for the petitioner, the provisions of Section 201 of the IPC, 1860, be added in the head note, prayer clause and in the petition. Registry is directed to make necessary corrections thereof.

2. Through the instant petition, the petitioner seeks the concession of anticipatory bail, in case FIR No.187 dated 31.07.2024, under Sections 420, 447, 467, 468, 471, 120-B and 201 of the IPC, registered at P.S. Mataur, District S.A.S. Nagar.

3. This Court, on dated 15.10.2024, had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, the petitioner seeks the concession of anticipatory bail, in case FIR No.187 dated 31.07.2024, under Sections 420, 447, 467, 468, 471, 120-B of the IPC, registered at P.S. Mataur, District S.A.S.



Nagar.

2. Succinctly stated, the allegation(s) embodied in the instant FIR are that, the petitioner was employed as a servant by the complainant's father. After death of the complainant's father, the petitioner prepared a forged and fabricated unregistered Will of complainant's father and usurped his property.

3. The principal argument of the learned counsel for the petitioner is clothed in the fact that, the matter has been compromised between the parties, as is evident from the compromise deed (Annexure P3). Therefore, he submits that when the complainant is not ready to support the case of prosecution, therefore, putting the petitioner behind the bars, for commission of the alleged offence(s), would tantamount to sheer abuse of process of law.

4. At this stage, Mr. Kuldeep Singh Saini, Advocate, who records his appearance on behalf of the respondent No.2, under a validly executed Vakalatnama instituted before this Court today, admits the factum of compromise between the parties and extends his 'No Objection' in case the petitioner is granted the concession of anticipatory bail.

5. Notice of motion.

6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent No.1-State of Punjab.

7. Mr. Kuldeep Singh Saini, Advocate, accepts notice on behalf of the respondent No.2.

8. In view of the matter admittedly becoming compromised between the parties, 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 his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.



9. List on 13.11.2024.”

4. Reply dated 12.11.2024, by way of affidavit of Mr. Jayant Puri, IPS, Assistant Superintendent of Police (City-I), District S.A.S. Nagar, on behalf of the respondent-State of Punjab, furnished by learned State counsel today in the Court. The same is taken on record. Copy thereof, supplied to learned counsel for the petitioner.

5. Today, the learned State counsel on instructions imparted to him by ASI Kesar Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined the investigation. However, he did not hand over the unregistered Will, which is the root cause of institution of the FIR (supra), and consequently, the provisions of Section 201 of the IPC, 1860, has been invoked.

6. On the other hand, learned counsel for the petitioner submits that the matter has been compromised between the parties concerned, and even, the document in question, has been handed over to the complainant.

7. Be that as it may, considering the fact that the petitioner has joined the investigation, and the matter has been compromised between the parties concerned, and further custodial interrogation of the petitioner is not required, therefore, the hereinabove extracted interim order dated 15.10.2024, is hereby made absolute, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

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8. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

9. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

November 13, 2024
Manpreet

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