

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-58659-2023
Date of decision: 13.02.2024

JAGTAR SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e on 21.11.2023, the following order was
passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.75 dated 18.10.2023, under Section 420 of the IPC, registered at P.S. Bhadson, District Patiala.

2. The allegations, as recorded in the order dated 08.11.2023, passed by the learned Additional Sessions Judge, Patiala, whereby, bail was declined to the petitioner, are extracted hereinafter:-

".....there is society in the name of SLO in village Bhorey in which 12 members have been nominated and name of their legal heirs are also incorporated in the record. In the aforesaid society Bhagat Singh son of Phuman Singh is nominated as member despite his death and his legal heir Kaka Singh had also expired. Accused Jagtar Singh son of Surjit Singh in connivance with employees of Society had made cuttings in the record and entered Jagtar Singh as legal heir of Bhagat Singh. In that regard an application was moved to the office of Assistant Registrar Society, Nabha and after enquiry it was held that Jagtar Singh has made the cuttings in the

record and he was dismembers from the society and applicant Bharpur Kaur was ordered to be made member of the society. Even an enquiry was also got conducted by the SDM, Nabha. On these grounds complainant Bharpur Kaur prayed for registration of the case. On the basis of the application, enquiry was conducted by the police and it was held in the enquiry that Jagtar Singh had made cuttings in the record of the society whereas he was not the legal heir of Bhagat Singh son of Phuman Singh or Kaka Singh.”

3. The learned counsel for the petitioner submits that a purely civil dispute has been camouflaged as a criminal litigation. In fact the deceased Bhagat Singh had executed a Will in favour of the petitioner in the presence of witnesses and after demise of said Bhagat Singh, the petitioner had filed a petition under the Succession Act, which was allowed by the court concerned. Consequently, the petitioner succeeded all the movable and immovable estate of the deceased Bhagat Singh. He further submits that the allegations, as levelled against the petitioner, do not attract the penal offence under Section 420 of the IPC.

4. Since the investigation in respect of the hereinabove levelled allegations is based upon documentary evidence, therefore, custodial interrogation of the petitioner is not required. Accordingly, this Court deems it appropriate to, at this stage, grant the relief of anticipatory bail.

5. Notice of motion for 13.02.2024.

6. Mr. Karunesh Kaushal, A.A.G, Punjab, accepts notice on behalf of State of Punjab.

7. 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 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 438(2) Cr.P.C."

Learned counsel for the petitioner submits that in pursuance of the order dated 21.11.2023, the petitioner has joined the investigation.

Learned State counsel, on instructions from the official respondent, submits that the petitioner has joined the investigation and he is not required for

any further custodial interrogation.

In view of the statement made by learned State counsel, the interim order dated 21.11.2023, is hereby made absolute.

13.02.2024
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(KULDEEP TIWARI)
JUDGE

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