

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

101

CRM-M-62638-2023

Date of Decision : May 08, 2024

HARPRIT SINGH BAHAD

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

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

Mr. Kamaljeet Singh, Advocate with
Mr. Aneesh Chopra, Advocate and
Ms. Jagriti Sangwan, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 13.12.2023, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition, prayer is made for grant of anticipatory bail in case FIR No.203 dated 29.09.2023, under Sections 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station Navi Baradari, Jalandhar.

The allegations against the present petitioner are that he has forged the Will of his father, which was alleged to be in favour of the mother of the petitioner, as well as in favour of all other LRs, including the present petitioner. The civil suit challenging the veracity of the Will, which is now alleged to be forged in the instant FIR, is pending consideration before the learned Civil Court concerned. The entire case is based on documentary evidence, which does not require the custodial interrogation of the present petitioner.

Notice of motion for 18.01.2024.

Ms. Kanica Sachdeva, AAG, Punjab, waives service of notice on behalf of the respondent-State of Punjab.

At this stage, Mr. Shekhar Verma, Advocate has caused appearance on behalf of the complainant, through Memorandum of Appearance and undertakes to file the validly executed Power of Attorney, within 15 days from today, with the Registry of this Court. Learned counsel for the complainant rigorously opposed the asked for relief to the petitioner and submits that the petitioner has criminal antecedents and in order to deprive the rightful right of the complainant, the Will was forged by the petitioner.

Be that as it may, considering the fact that the instant dispute requires investigation of documentary evidence, as well as the veracity of the Will is yet to be established by the learned Civil Court concerned, which is pending adjudication.

This Court deems it appropriate to direct the petitioner 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 bond 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.”

2. In compliance of the order extracted hereinabove, although the petitioner joined the investigation, however, he did not cooperate with the investigating officer, inasmuch as, he did not produce the original Will, which is alleged to be forged. Consequently, this Court, vide order dated 18.01.2024, directed to the petitioner to rejoin the investigation and to hand over the original Will to the investigating officer. However, this time again, the situation remained the same, inasmuch as, despite him rejoining the investigation, the petitioner did not produce the original Will. Thereafter, upon a last opportunity being craved by the learned counsel for the petitioner, this Court, vide order dated 10.04.2024,

permitted the petitioner to produce the original Will before the investigating officer, thereby enabling the latter to ascertain the veracity thereof and conduct further investigation.

3. Today, the learned counsel for the petitioner has submitted that, in compliance of the order dated 10.04.2024, the petitioner rejoined the investigation and also supplied the certified copy of the Will concerned to the investigating officer, which is sufficient for tallying the signatures of the author of the said Will.

4. The above made submission of the learned counsel for the petitioner has been vociferously opposed by the learned State counsel, on the ground that, for proper investigation, they require the original Will itself, otherwise, they would not be able to get the signatures appended thereon compared from the F.S.L. concerned. He has, on instructions imparted to him by H.C. Sharanjit Singh, further submitted that, during the course of investigation, the photocopy of the Will concerned along with the admitted signatures of its author was sent to the F.S.L. concerned for comparison of signatures, however, for thorough scientific examination and definite opinion, the F.S.L. concerned demanded more admitted signatures of the author of the Will concerned. The relevant extract of the said F.S.L. report dated 11.11.2022, photocopy whereof is taken on record as Mark 'A', is reproduced hereunder:-

"RESULT OF EXAMINATION"

I have carefully and thoroughly examined the red enclosed questioned signatures stamped and marked Q1 and Q2 and have compared them with the relevant standard signatures from the original and Photostat documents in all aspects of hand-writing identification and detection of forgery with the help of Scientific

aids and it has been concluded that:-

1. It has not been possible to express any definite opinion regarding the common authorship or otherwise on the red enclosed Photostat questioned signatures stamped and marked Q1 and Q2 in comparison with the red enclosed standard signatures similarly stamped and marked A1 to A3 with the manifest reasons that there is gap of 16 years in between Questioned signatures stamped and marked Q1 and Q2 and three standard signatures stamped and marked A1 to A3. Therefore for thorough scientific examination and definite opinion more suitable and sufficient admitted signatures of Tarlochan Singh Bahad in "English" already existing on some documents and near about the period of questioned signatures (i.e. year 2011-2014) stamped and marked Q1 and Q2 are required for thorough scientific examination and definite opinion."

5. The learned State counsel has also informed this Court that, during the course of investigation, one more F.S.L. report has been received, wherein, it has been opined that the Will concerned is a forged and fabricated document.

6. Be that as it may, (i) since a perusal of the hereinabove extracted portion of the F.S.L. report has transpired that the science of comparison of signatures has evolved a lot and the F.S.L. concerned is well equipped to compare and examine the authenticity of the signatures even from a photocopy itself; (ii) petitioner has admittedly joined the investigation and has also supplied the certified copy of the Will concerned for comparison of signatures; (iii) a civil suit assailing the Will concerned is already pending consideration before the civil court concerned; this Court is of the concrete opinion that custodial interrogation of the petitioner is not at all required.

7. In view of the above, the hereinabove extracted interim order

dated 13.12.2023, as made by this Court, is hereby made **absolute**, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

8. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.

May 08, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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