

CRM-M-1888-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1888-2025
Reserved on: 06.03.2025
Pronounced on: 27.03.2025

Satnam Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amritpal Singh Gill, Advocate
For the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Aruz Khan, Advocate
For the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
239	16.12.2023	Sadar Ludhiana, District Police Commissionerate, Ludhiana	420, 465, 467, 468, 471, 120-B IPC

1. The petitioners apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 10 of the bail petition as well as para 7 of the status report, petitioner No.2 has no criminal history, however petitioner No.1 has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	68	03.01.2017	420/120 B IPC (Sections 465, 467, 468, 471 IPC added later on)	Sadar Ludhiana

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts pertaining to the present suit are that the present FIR was registered on the basis of the statement of the complainant namely Sikander Singh son of Malkeet Singh, resident of Manakwal, Ludhiana against the accused persons namely Kapoor Singh, SatnamSingh and

Hoshiar Singh, all are residents of Village Manakwal, Tehsil and District Ludhiana. The complainant is the one of the legal heirs of the deceased Smt. Santi, where the present petitioners and the other accused namely Kapoor Singh has prepared a false and fabricated Will on dated 13.10.1961 allegedly executed by the person named Santi Devi widow of Babu Singh, after her death, with the intention to grab the property left by the deceased namely Santi Devi by fraud and cheating. The complainant further submits that after the death of the deceased, namely Santi Devi the whole of the property was inherited in favor of person named Sher Singh, Gurpal Singh, Kapoor Singh, Malkit Singh, Bakshish Singh and NasibKaur, the mutation was also sanctioned in favor of the abovesaid person in the year 1971.

The complainant further submits that, inadvertently, Khasra Numbers 14//13, 162, 179, 204 have not been mutated in favor of the above said persons, and when it comes to the knowledge of the petitioners/accused, they in order to grab the property had prepared the false alleged Will dated 13.10.1961 in favor of Kapoor Singh. The petitioner/accused presented the said forged Will before the Tehsildar(West), and after receiving the objections raised by the other Legal Heirs against the above stated Will, The Tehsildar had referred the same to the SDM (Civil), Ludhiana for the proper decision of the suit. The complainant further submits that Santi Devi had never executed any Will during her lifetime and the above stated Will is false, fabricated and forged document prepared after the death of the deceased Santi Devi. Before the registration of the FIR preliminary enquiry was conducted by the SHO Police Station Sadar Ludhiana in which it was found that the accused persons namely Kapoor Singh, Satnam Singh and Hoshiar Singh had prepared a forged and fabricated Will of the deceased Santi Devi and applied for the mutation of the said property in the name of the accused namely Satnam Singh whereas the other accused namely Hoshiar Singh is the witness in the above stated forged will.”

4. The petitioners’ counsel submits that petitioner No.1 is neither a signatory, nor a witness and nor a beneficiary to the alleged will and petitioner no.2 is an 88 years old person and he is only a witness to the alleged will. He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF THE PETITIONER:

That, there are serious allegations levelled against the petitioners, that the present petitioner in connivance with the other co accused has made a forged, false and fabricated Will of the deceased namely Santi Devi with the wrongful intention to grab the property left by the deceased after her death.”

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REASONING:

7. Name of the petitioners has not cropped up as beneficiaries, as such no ground to deny bail to them is made out.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.

10. The investigation indicates that the petitioners are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioners' complying with the following terms.

14. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as

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required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioners indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.