



CRM-M-28707-2018

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

CRM-M-28707-2018
Reserved on: 27.01.2025
Pronounced on: 30.01.2025

Karnail Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Gurjas S. Gill, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

Mr. Arshdeep Singh Kler, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
197	09.06.2018	Ladwa, District Kurukshetra	420 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 438 CrPC, seeking anticipatory bail.

2. The matter was listed for the first time on 12.07.2018 when this Court had issued notice and petitioner was granted ad interim bail subject to joining investigation. While granting ad interim bail, the Court had adverted to the arguments made by counsel for the complainant that petitioner had got transferred movable and immovable property related to the deceased in his name, his sons' name leaving nothing for the widow and daughter of deceased Naib Singh. On 15.07.2019, the matter was sent to Mediation and Conciliation Centre for amicable settlement. On 19.09.2019, it was brought to the notice of the Court that mediation failed but the matter was compromised between the parties. It shall be appropriate to reproduce order dated 19.09.2019 which reads as follows:-

“Learned Senior counsel for the petitioner states that although efforts of the mediator did not bear any fruit, the matter has now been compromised and the petitioner shall transfer 7½ acres out of



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13% acres of agricultural land in the name of Ranmeet Kaur, who is daughter of the deceased namely Naib Singh. 2/3d share out of rest of the immoveable property in the name of the deceased shall be transferred to Ranmeet Kaur while 1/3 share shall be transferred to Bachan Kaur who is the mother of the deceased. In the alternative, he has suggested that in case Ranmeet Kaur or her mother does not want immoveable property transferred in their name, the petitioner is willing to pay the equivalent market value to them.

Learned counsel for the complainant states that in the event of the petitioner transferring the aforementioned land or paying the market value thereof, the complainant shall withdraw all the FIRs which have been registered by her against the petitioner and members of his family. They pray for some time to file the compromise deed.

List on 03.10.2019.

Interim order to continue.”

3. On 17.01.2020, a Co-ordinate Bench of this Court allowed the petition and made the interim order dated 12.07.2018 absolute. After the interim bail was made absolute, the victim filed CRM No.2955 of 2020 for clarification and modification of order dated 03.10.2019 and order dated 17.01.2020 was re-called vide order dated 09.12.2020.

4. I have heard counsel for the parties and have gone through the record. The bone of contention of aggrieved person is mis-use of order dated 03.10.2019 by the petitioner. It shall be appropriate to refer to order dated 03.10.2019 which reads as follows:-

“It is agreed between the parties that the petitioner shall transfer 7% acres of agricultural land after redeeming the mortgage. 2/3 share out of rest of the immovable property in the name of the deceased shall be transferred to Ranmeet Kaur while 1/3rd share shall be transferred to Bachan Kaur, who is the mother of the deceased. It is also agreed that the petitioner shall pay a sum of 2 crores to Ranmeet Kaur in lieu of the share of her father in the joint family business. The petitioner is the uncle of the complainant.

Learned counsel for the parties pray for time to draw the modalities to finally settle the matter which shall include the withdrawal of civil and criminal cases filed by Ranmeet Kaur and her mother against the petitioner and his family members.

Adjourned to 21.11.2019.

Interim order to continue.”

5. During pendency of the application for re-calling, the petitioner-accused had made statement through counsel that no third party right has been created so far as share of deceased is concerned. On 09.12.2020, with the consent of parties, order dated



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17.01.2020 making interim order dated 12.07.2018 absolute was re-called subject to the condition that petitioner will be bound by the statement made through his counsel on 13.08.2020. The stand of the petitioner is contradictory and opposite to each other, therefore, this Court would refer to the action taken report dated 04.02.2019 filed by Superintendent of Police which reads as follows:-

“3) That initially, an anonymous complaint no. 318-5P dated 12.07.2017 was received, wherein, in nutshell, it was alleged that Naib Singh (husband of the complainant) had been murdered by way of administering him some poisonous substance to grab his property. Complainant had been shunted out of her matrimonial house about four years ago. It was further alleged that a Will was forged allegedly to be executed by husband of the complainant in favour of his nephews namely Meharban Singh, Armaan Singh and Jaswinder Singh. It is humbly submitted that the aforesaid complaint was inquired in to by the then Station House Officer, Police Station Ladwa, District Kurukshetra. It is further humbly submitted that during the course of inquiry, complainant and her daughter, members of opposite party and respectable persons were joined in the inquiry on 25.07.2018 to 27.07.2018.

4) That during the course of inquiry of the aforesaid complaint, complainant and her daughter namely Ranmeet Kaur got recorded their statements but they did not state that husband of the complainant was murdered. Rather, Ranmeet Kaur stated that her father died due to heart attack. They also put their signatures over their respective statements. (True translated and typed copies of statements of Ranmeet Kaur and complainant are enclosed herewith as Annexure R-1 and Annexure R-2 respectively).

5) That the complainant made complaint no. 105-NAD dated 19.03.2018. This complaint was inquired in to by Station House Officer, Police Station Women, Kurukshetra. It is humbly submitted that both the parties were joined in the inquiry. During the course of inquiry, Ranmeet Kaur stated in her statement to the effect that her father died due to heart attack. Her mother made complaint due to misunderstanding. Her father had made a will in favour of her cousin brothers. All the articles belonging to her father are under her supervision. She appended her signature over her statement. (True translated and typed copy of statement of Ranmeet Kaur is enclosed herewith as Annexure R-3).

6) That the complainant also made complaint no. 1604-Misc dated 26.04.2018 and complaint no. 234-DGP dated 04.06.2018. It is humbly submitted that those complaints were inquired in to by the then Station House Officer, Police Station Ladwa. It is further humbly submitted that those complaints were also found having no substance and allegations made therein were found to be false.

7) That a case FIR no. 197 dated 09.06.2018 under Section 420 of the Indian Penal Code was registered on the complaint of Ajaib Singh (since deceased) against the petitioner at Police Station Ladwa, wherein, in nut shell, it was alleged that the petitioner forged the signatures of the complainant and her daughter Ranmeet Kaur and got transferred vehicle no. HR 09-0001, Make 'Creta' in favour of his mother and then in his own name. It is further humbly submitted that during the course of



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investigation the offences under Sections 467, 468 and 471 were added on the basis of statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

8) *That the complainant also made complaint no. 3201-Misc dated 18.07.2018 contending therein to add more offences of conspiracy etc in the aforesaid case FIR no. 197 of 2018 registered at Police Station Ladwa, wherein, in nutshell, she alleged that signatures of her husband have been forged on will and cheques. It is humbly submitted that offences punishable under Sections 467, 468 and 471 had already been added in the aforesaid case. It is further humbly submitted that during the course of investigation of aforesaid case, the complainant also made complaint no. 5-R/DSP/LWA dated 08.01.2019, wherein, in nutshell, she stated to the effect that Will should be sent to Forensic Science Laboratory for comparison of signatures of Naib Singh over it. It is humbly submitted that the original will and bank account opening forms of Naib Singh have been sent to Forensic Science Laboratory, Madhuban on 18.01.2019 for comparison of signatures of Naib Singh over those documents.*

It is further humbly submitted that the above said vehicle was financed for a sum of Rs. 9, 00,000/- by Corporation Bank, Ladwa. The complainant alleged in her statement recorded under Section 161 of the Code of Criminal Procedure that the payment of aforesaid amount has been made by two cheques forging signature of Naib Singh. It is humbly submitted that during the course of investigation, the cheque no. 037863, Central Bank, Ladwa for a sum of Rs. 5,00,000/- and cheque no. 023355, Oriental Bank of Commerce, Ladwa for a sum of Rs. 4,00,000/- were have been found to be issued on 12.05.2017. It is humbly submitted that during the course of investigation of aforesaid case FIR no. 197 dated 09.06.2018, Karnail Singh was asked to append signatures of complainant and her daughter Ranmeet Kaur. Besides above, bank account opening forms of Ranmeet Kaur and complainant were obtained from the banks and those were sent to Forensic Science Laboratory, Madhuban for comparison of signatures of complainant and Ranmeet Kaur over the transfer papers of the vehicle. Further, bank opening account forms of Naib Singh were taken from Central Bank, Ladwa and Oriental Bank of Commerce, Ladwa and those were sent with the aforesaid cheques to Forensic Science Laboratory, Madhuban for comparison on 31.10.2018.

9) *That the complainant also made complaint no. 292-IGP dated 24.10.2018 re-iterating her allegations made in her earlier complaints. It is humbly submitted that this complaint was inquired in to by Deputy Superintendent of Police, Ladwa. It is humbly submitted that Deputy Superintendent of Police, Ladwa also found the allegations made in the complaint regarding death of her husband Naib Singh to be false. He further found that dispute between the complainant and members of her in-laws family pertains to property owned by her husband and civil litigation qua property owned by the husband of the complainant is pending before the learned Civil Court, Kurukshetra for adjudication.*

10) *That during the course of inquiry, the deponent also joined both parties in the inquiry and recorded their statements. Complainant got recorded her statement to the effect that Karnail Singh (petitioner) etc prepared/forged documents after death of her husband to grab his property and hence she made complaints to*



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Superintendent of Police and other higher officers, whereas, her daughter Ranmeet Kaur made statement to the effect that her statement is as statement made by her mother. (True translated and typed copies of their statements are enclosed herewith as Annexure R-4 and R-5 respectively).

It is humbly submitted that during the course of inquiry, the deponent found that the husband of the complainant Late Naib Singh had two brothers namely Ajaib Singh and Karnail Singh. He had also two real sisters and one step sister. His step sister namely Daljeet Kaur has already died and one of his real sisters is mentally challenged. His other real sister is married in village Chhorpur. Further, he had one daughter namely Ranmeet Kaur who is also married to Satbir Singh resident of Village Maihla, District Ambala.

11) That it is further revealed in the inquiry that the complainant was married to Naib Singh in the year 1986 and both lived together for a period of one year. One female child namely Ravmeet Kaur took birth from this wedlock. Thereafter, the differences between the complainant and her husband Naib Singh developed and ensued. Complainant had been residing in her parental home for the last four years. Her husband Naib Singh had been paying an amount of Rs. 15,000/- to her through her bank account as per family settlement.

12) That it is also revealed by the deponent that husband of the complainant started consuming liquor daily in huge quantity, because of which, his health deteriorated in the year 2016. He was treated in IYI Hospital, Mohali but after sometime, he again started consuming liquor and his health deteriorated. He was taken to Anand Hospital, Kurukshetra where he was advised not to consume liquor and was enlightened to the effect that if he would consume liquor then he would die. However, Naib Singh didn't leave consumption of liquor. Consequently, he died on 14.5.2017. It is also revealed that on that day, his daughter Ranmeet Kaur had come in the house of her father but she had proceeded for her in-laws house prior to his death. Since, Ranmeet Kaur had left her parental home prior to death of Naib Singh so she as well as her mother (complainant) was informed regarding death of Naib Singh. It is humbly submitted that Ranmeet Kaur and came back from the way to her parental home and joined funeral rites of Naib Singh. Complainant also reached there. It is also revealed that death of Naib Singh was a natural death. More so, medical record, CCTV Footage, statements of the complainant and her daughter (Annexure R-1 to R-3) establish this fact.

13) That it was also revealed in the inquiry that on 18.03.2016, husband of the complainant executed his will regarding his property in favour of his nephews namely Jaswinder Singh son of Ajaib Singh, Meharban Singh and Armaan Singh both sons of Karnail Singh. It was got attested by Notary Public on 18.03.2016. It was further revealed that the complainant and her daughter Ranmeet Kaur had the knowledge regarding the will executed by Naib Singh. It is also revealed that the aforesaid will was registered by Sub Registrar, Ladwa on 13.06.2017 on the application moved by Meharban Singh after verification."

6. Perusal of the reply clearly mentions that civil litigation qua property is pending before the civil Court for adjudication. This Court granted interim bail on 12.07.2018



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subject to furnishing bail bonds and after that, the said order was made absolute. Later on, the said order was re-called vide order dated 09.12.2020. In the interregnum, there is no allegation of any threat, intimidation or hampering the evidence against the petitioner. Even after 09.12.2020 when the order was re-called, the interim order is continuing till date.

7. Given above, the petition is allowed subject to petitioner's joining investigation within two weeks, if still pending. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)
JUDGE

30.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.