



CRM-M-38796-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38796-2025 (O&M)

YUVRAJ SHARMA

.... Petitioner

Versus

STATE OF HARYANA

...Respondent

1	The date when the judgment is reserved	11.11.2025
2	The date when the judgment is pronounced	29.11.2025
3	The date when the judgment is uploaded on the website	01.12.2025
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Garg Narwana, Senior Advocate
with Mr. Mukesh Rao, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

Mr. Manish Soni, Advocate,
Mr. Abhilaksh Grover, Advocate and
Ms. Shreya, Advocate for the complainant

MANISHA BATRA, J. (ORAL) :-

CRM-34493-2025

1. Prayer in this application is made by the applicant, who is the complainant of the FIR No.312, dated 30.08.2024 registered at Police Station Shivajit Nagar, Gurugram for impleading him as a party to the main petition.

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2. It is argued by learned counsel for the applicant that since he is a lodger of the FIR and is an affected person, hence, he has right to be impleaded as a party to the petition and to address arguments.

3. Learned counsel for the respondent-petitioner has argued on the other hand that the applicant had no locus standi to lodge the FIR and as such he has no right to implead himself as a party to the petition. It is, therefore, stressed that the application does not deserve to be allowed.

4. After giving due deliberations to the contentions as raised by both the sides and on going through the record, this Court is of the considered opinion that since the criminal law does not restrict a person from initiating criminal justice process and the key requirement is that the information provided must disclose a cognizable offence, as such, without going into the merit of the contention that the applicant is an affected party and any locus standi to lodge the FIR, he deserves to be impleaded as a party to the petition. Rather, he is already appearing as such being represented by his counsel

5. The applicant is disposed of, accordingly.

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1. Prayer in the present petition has been made by the petitioner for grant of pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') in case bearing FIR No.312

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dated 30.08.2024 registered under Sections 385, 389, 420, 467, 468, 471 and 120B of IPC registered at Police Station Shivajit Nagar, Gurugram.

2. The adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of a written complaint submitted by Mahinder Singh, who had retired as Superintendent of Police (Vigilance), Rohtak, in the year 2018. It has been alleged that while being posted at Gurugram in the year 2002, he had come into contact with one Vinod Sharma. Son of the complainant and as well as that of Vinod Sharma were suffering from cerebral palsy. Gradually strong relations had developed between them. Vinod Sharma operated a construction company. The complainant even stayed as a tenant in an apartment owned by Vinod Sharma. On 04.07.2018, Vinod Sharma had shot at himself with his licenced revolver. He had died during the course of treatment on 07.07.2018. He was facing financial crisis at that time and had availed loans from several financial institutions and private individuals. After the death of Vinod Sharma, his son Yuvraj Sharma i.e. the petitioner got registered a case under Section 306 of IPC against one Davinder Lakra and his family members. During investigation, allegations were levelled against the complainant and some other persons by petitioner's mother i.e. Meenu Sharma. However, after conducting investigation, the complainant was found to be innocent. A petition filed by the mother of the petitioner for entrusting the investigation of the case under Section 306 of IPC to CBI had been dismissed by this Court.



3. The complainant alleged that after the death of Vinod Sharma, the present petitioner by hatching a conspiracy with his mother-Meenu Sharma and the co-accused with an intent to grab the entire property left by the deceased to his mother and himself and to deprive the minor daughter and differently-abled son of the deceased from their shares in the property so left as per the law of succession, got prepared a forged and fabricated Will purported to be signed by Vinod Sharma on 03.07.2018 and on the basis of that Will, which was got registered subsequently, the petitioner and his mother got declared themselves as exclusive owners of the properties left by the deceased though they were only entitled to 1/4th share each in the same. By further alleging that by doing so the petitioner and the co-accused had committed the offences of cheating and forgery and had also sold substantial number of properties so left by the deceased, the complainant prayed for taking action in the matter.

4. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the present petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 15.07.2025.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of complaint filed by the complainant who has no locus standi and who being a Police officer exerted undue influence/pressure for the purpose of registration of a case against him and the co-accused, after delay of six years from the date of



execution of the Will by his father. The FIR is a counterblast to the proceedings which were got initiated by the mother of the petitioner as against the complainant levelling allegations that he had abetted suicide by the victim Vinod Sharma. It is argued that in fact it was the complainant who duped the deceased of huge amount of money by purchasing an apartment from him and then receiving back the sale consideration amount paid in lieu thereof. The Will in question has not been challenged by any person who could have been affected by the same. The complainant by exerting his influence had managed to procure documents which were individual and private to the petitioner. The ingredients for commission of the offences punishable under Sections 467, 468 and 471 read with Section 120B of IPC are not attracted as against the petitioner at all as neither there is any allegation that he had forged any valuable security nor it has come out on record that he had used any such document while noting the same to be forged. It is further, argued that the ingredients for commissions of offences under Sections 385 and 389 are also not attracted against him at all. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is thus, urged that the petition deserves to be allowed.

6. Per contra, learned State Counsel has argued that there are serious and specific allegations against the petitioner, who by hatching a conspiracy with the co-accused got prepared a forged and fabricated Will dated 03.07.2018 purported to be prepared and signed by his father and on the basis of the said Will he and his mother have got themselves

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declared as co-owners of the properties owned by the deceased. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. No exceptional or extra-ordinary circumstance for grant of anticipatory bail is made out. It is, thus, urged that the petition does not deserve to be allowed.

7. The petitioner alongwith his mother and the co-accused is alleged to have hatched a conspiracy and in pursuance thereof, allegedly got prepared a false and fabricated Will in the name of his father whereby the properties left by the latter were bequeathed to his mother and himself. The complainant, who is a third party has lodged an FIR against him on the allegations that in connivance with the co-accused the offences of cheating and forgery had been committed by the petitioner and his mother with intent to deprive other legal heirs of deceased-Vinod Sharma to deprive them of their share in the properties left by him. The complainant is not the person aggrieved. No doubt, criminal justice process can be set into motion by any person if a cognizable offence is made out but it is also a matter of consideration that no civil and criminal remedy has been pursued on behalf of the persons who are actually alleged to be aggrieved, qua the genuineness or otherwise of the Will, though the Will was executed way back in the year 2018. It is a debatable question as to whether on the basis of allegations levelled in FIR any case for commission of offences under Sections 385 and 389 of IPC is made out at all?

8. A report with regard to the authenticity of the signatures on the Will has already been collected by the Investigating Agency. It is a

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matter of trial and only on the basis of thorough assessment of the evidence to be produced during trial the fact that the ingredients for commissions of subject offences have been made out or not, is to be concluded. Given the nature of the allegations and the circumstances as peculiar to the case, this Court is of the considered opinion that there would be no justifiability for pre-trial incarceration of the petitioner. It is also well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case lest the same prejudices the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrendering before the Investigating Officer/Arresting Officer and joining investigation within a period of 15 days from today and further subject to his furnishing personal as well as surety bonds to the satisfaction of the Investigating Officer/Arresting Officer and also joining investigation as and when required till conclusion of the investigation proceedings. He will also not tamper with any evidence, will not pressurize, induce, extend threats to any witness acquainted with the facts and circumstances of the case, will not leave the country, during investigation and trial of the case, except after seeking permission from the trial Court, shall disclose the details of his Aadhar Card No., Passport No., cellphone No., while furnishing bond to the learned trial Court and shall also abide by all the terms and conditions as envisaged under Section 482(2) of BNSS.



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9. It is clarified that if the petitioner violates any bail condition, the State shall be at liberty to file an application for cancellation of the bail before the trial Court.

(MANISHA BATRA)
JUDGE

29.11.2025
Amit Sharma

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