



CRM-M-38835-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38835-2025

YOGESH CHAND BHARDWAJ

... 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. Gautam Dutt, Senior Advocate with
Mr. Radhika Mehta, 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) :-

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 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 Meenu Sharma wife of deceased-Vinod Sharma. The complainant was, however, found to be innocent. A petition filed by Meenu Sharma for entrusting the investigation of the case under Section 306 of IPC to CBI had been dismissed by this Court.



3. It has been alleged by the complainant that after the death of Vinod Sharma, accused-Meenu Sharma and Yuvraj Sharma hatched a conspiracy with the petitioner and other co-accused with an intent to grab the entire property left by the deceased 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 and got prepared a forged and fabricated Will purported to be signed by Vinod Sharma on 03.07.2018. On the basis of the said Will, which was got registered subsequently, the accused-Meenu Sharma and Yuvraj Sharma got themselves declared as exclusive owners of the properties left by the deceased though they were only entitled to 1/4th share each in the same. The petitioner was attesting witness to the Will so forged. He had also submitted affidavit before the Tehsildar during the registration of the Will as to the genuineness of the Will thereby playing an active role in the commission of the offences in pursuance of criminal conspiracy hatched with the co-accused, so as to deprive the two legal heirs of the deceased-Vinod Sharma from their shares in the properties left by him. By further alleging that the petitioner and co-accused in connivance with each other had committed offences of cheating and forgery, the complainant prayed for taking action in the matter. The petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 08.07.2025.

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4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case by the complainant, who is a person alien to the property in question or to the family of the deceased, by taking advantage of his being a retired Police Officer. In fact, he was the person accused of abetting suicide by the deceased. The petitioner was acquainted with the deceased and his family since the year 1986. In the month of September, 2018, he had accompanied the bereaved family of the deceased to the office of the Sub-Registrar to get the Will of the deceased registered. He had stood a witness to the said Will on the insistence of the deceased. This Will was registered in the office of Sub-Registrar after observing the due procedure. The petitioner was only an attesting witness who neither derived any financial benefit nor there was any reason to do so. He has joined the investigation by appearing before the Investigating Officer several times. He is ready to join investigation. The case is based on documentary evidence and the Will in question already in custody of the Investigating Agency and his custodial interrogation for that purpose is not required. Neither any recovery is to be effected from him. As such, it is urged that he deserves to be extended benefit of pre-arrest bail.

5. Status report has been filed by the State and reply by the complainant has been filed. It is argued by learned State Counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner, who is an attesting witness to the Will that has been found to be a fabricated and forged document. As per the RFSL report, the signatures as purported to be of



deceased-Vinod Sharma on this Will have not matched with his admitted signatures. The petitioner attested this Will for the wrongful gain of the co-accused Yuvraj Sharma and Meenu Sharma. His complicity in the crime is prima facie established. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. No exceptional circumstance for grant of anticipatory bail is made out in his favour. It is, hence, argued that the petition does not deserve to be allowed.

6. As per the allegations, the co-accused Yuvraj Sharma and Meenu Sharma hatched a conspiracy to usurp the shares of the minor daughter and differently abled son of the deceased-Vinod Sharma in the properties left by him and with that intent, got prepared a false and fabricated Will purported to be signed by the deceased and on the basis of that Will, deprived the other legal heirs of the deceased, of their shares in the properties left by him. The petitioner was admittedly an attesting witness to that Will. No doubt criminal justice process can be set into motion by any person, if a cognizable offence is made out, but, in this case, it is noteworthy 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 in question was executed way-back in the year 2018. The allegations prima facie do not make out any case for commission of offences punishable under Sections 385 and 389 of IPC as against the petitioner.

7. So far as the remaining offences are concerned, it is a 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 commission of subject offences have been made out or not is to be concluded. No recovery is to be effected from the petitioner, as he was an attesting witness to the Will and the said Will is already in the custody of the Investigating Officer. 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.

8. 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