



CRM-M-40509-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40509-2025

ASHISH DANDONA

.... 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. Randeep Singh Rai, Senior Advocate
with Mr. Anurag Arora, Advocate,
Mr. Vishal Sharma, Advocate,
Ms. Radhika Mehta, Advocate and
Ms. Punjab Anand, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

Mr. Abilaksh 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 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. As son of the complainant and as well as that of Vinod Sharma were suffering from cerebral palasy and 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 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. However, after conducting investigation, the complainant was found to be innocent. A petition filed by the above named Meenu Sharma for entrusting the investigation of the case under Section 306 of IPC to CBI had been declined by this Court.



3. It is alleged by the complainant that after the death of Vinod Sharma, his son Yuvraj Sharma and widow Meenu Sharma hatched a conspiracy with the present petitioner as well as co-accused Musafir, Yogesh Chand Bhardwaj and Jagmohan, to grab the entire property left by the deceased to themselves, though as per the law of succession they were having only 1/4th share each in those properties. This was done to deprive the minor daughter and differently-abled son of the deceased from their shares in the property so left and in pursuance of that conspiracy, a fabricated and forged Will purported to be signed by Vinod Sharma on 03.07.2018, had been prepared. On the basis of that Will, the accused-Meenu Sharma and Yuvraj Sharma got themselves declared as exclusive owners of the properties left by the deceased-Vinod Sharma.

4. As per the further allegations, the aforementioned Will was subsequently got registered and the accused-Meenu Sharma and Yuvraj Sharma in connivance with the co-accused sold substantial number of the properties so left by the deceased-Vinod Sharma, on the basis of the above-said Will. By alleging that both of them in connivance with the co-accused committed the offences of cheating and forgery, the complainant prayed for taking action in the matter.

5. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the present petitioner moved application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 24.07.2025.

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6. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was not a signatory to the Will in question and has been implicated only because of his close relationship with the co-accused Meenu Sharma and Yuvraj Sharma. It is argued that the FIR has been lodged after a gap of six years from the date of execution of the Will dated 03.07.2018. The complainant kept quiet for a long period of time. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. He had no pro-active role at all in the lives of the legal representatives of the deceased-Vinod Sharma. The sub-offences are triable by Magistrate. With these broad submissions, it is urged that he deserves to be extended benefit of pre-arrest bail.

7. It is argued that the complainant has no locus standi to move complaint. The FIR has been got lodged by him as a counterblast to the proceedings which were initiated by the wife and son of the deceased-Vinod Sharma against him. No specific role has been attributed to the petitioner. The petitioner, his father and the deceased were in similar business of construction and they were in touch with each other since the year 2015. His name was added by the deceased as a signatory in his bank account as they were working on viability of some business project. His father had stood a witness to the Will in question on 03.07.2018 on the asking of the deceased.

8. Per contra, learned State Counsel assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner, who by hatching a conspiracy with the co-accused

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Meenu Sharma, Yuvraj Sharma and others got prepared a forged and fabricated Will dated 03.07.2018 purportedly executed by the deceased-Vinod Sharma, though no such Will had been executed and signed by the deceased. The questioned and admitted signatures of Vinod Sharma have been got compared at RFSL, Bhondsi and they do not tally, showing the factum of fabrication of the Will. The petitioner was made an authorized signatory in several bank accounts operated in the name of deceased/his companies on the basis of fraudulent Will and took direct financial benefits from the same. For conducting a thorough and proper investigation, recovering the documents and digital records, custodial interrogation of the petitioner is must. No exceptional or extra-ordinary circumstance for grant of pre-arrest bail is made out. It is, therefore, argued that the petition does not deserve to be allowed.

9. The petitioner is alleged to be a part of conspiracy hatched by the co-accused; especially accused-Meenu Sharma and Yuvraj Sharma leading to alleged preparation of a false and fabricated Will in the name of deceased-Vinod Sharma. The petitioner had admittedly been made an authorized signatory qua, the bank accounts operated in the name of the deceased/his companies, on the basis of this Will. The accused-Meenu Sharma and Yuvraj Sharma are none else than the wife and son of the deceased-Vinod Sharma. As per the Will, the properties owned by Vinod Sharma had to be inherited by both of them. The case is based on documentary evidence. The Investigating Agency has already collected forensic evidence with regard to the genuineness of the Will, though its authenticity has to be established on the basis of the evidence to be

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produced during trial. The complainant himself is not a beneficiary of the Will in question and is a third party though, 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 and as such at this stage it cannot be stated that the law could not be set in motion on the basis of complaint lodged by the complainant and he had no locus standi to do so, however, it is a question for consideration in this case, as to whether the ingredients for commission of the offences for which the petitioner has been booked are attracted qua him or not and for that purpose, the custodial interrogation of the petitioner is not required as the same will be decided on thorough assessment of evidence to be produced during trial. Petitioner was appointed as an authorized signatory by the deceased as per the Will. At this stage, there is no material on record to show that he has availed any financial/monetary benefit on the basis of the same and has caused wrongful loss of money to the persons, who were entitled to the same, obviously the complainant was not one of such persons. Admittedly, no civil litigation making challenge to the veracity of the Will in question is pending nor initiated by the complainant or any other person. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. The petitioner does not have any criminal antecedents. Given the nature of the allegations and the other factors peculiar to this case, this Court is of the opinion that there would be no justifiability for pre-trial incarceration of the petitioner, as such the petitioner is allowed, subject to petitioner's surrendering before the



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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.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. 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