



CRM-M-41211-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41211-2025

MUSAFIR SINGH

.... Petitioner

Versus

STATE OF HARYANA AND ANR

...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. Mukesh Rana Advocate
Ms. Somita, Advocate and
Mr. Rahul Singh, 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

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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, 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. By the Will so forged, the present petitioner-Musafir Singh was purported to be appointed as the legal guardian of the minor daughter and differently abled son of the deceased, thereby giving him direct legal control over their property and was also made the sole executor of the entire estate of deceased-Vinod Sharma and therefore facilitating him significant control and authority over the properties left by the deceased. By further alleging that by doing so they had committed the offences of cheating and forgery and had sold substantial number of properties so left by the deceased, the complainant prayed for taking action in the matter.

4. The petitioner was nominated as an accused. Apprehending his arrest, the present petitioner filed an application for grant of anticipatory bail which has been dismissed vide order dated 24.07.2025.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had joined investigation by appearing before the Investigating Officer several times. In the previous



petition for anticipatory bail as filed by the petitioner before the Court of Learned Additional Sessions Judge, Gurugram, the Investigating Agency had taken a stand that the exact role of the petitioner was not ascertained. This was despite the fact that investigation was already going on from the last eleven months. He was neither a signatory nor a witness to the Will in question. He is not a party to any transaction with the complainant in any capacity, whatsoever. He has not secured any wrongful gain by any transaction. No litigation is pending between him and the family members of the deceased. There is delay of six years in lodging the FIR which is a result of afterthought and is a counterblast to the proceedings initiated by the wife and son of the deceased-Vinod Sharma. He has already joined investigation and is ready to join further investigation, as and when required. His custodial interrogation is not required. No recovery is to be effected from him. There is no chances of absconding. It is, therefore, urged that he deserves to be given benefit of anticipatory bail.

6. Status report has been filed. It is argued by learned counsel assisted by learned counsel for the complainant that the petitioner by hatching a conspiracy with the co-accused intended to grab the entire property of deceased-Vinod Sharma by fabricating and forging a fictitious Will dated 03.07.2018 purported to be executed by the deceased-Vinod Sharma. The signatures as shown to be appointed on the above-said Will have been opined to be not matching with the admitting signatures of the deceased, as per the report of RFSL. The petitioner who was made the sole executor of the entire estate of the



deceased was granted significant control and authority over the assets left by the deceased and was purported to be appointed as legal guardian of the two children of the deceased. His complicity in the crime is prima facie established. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. No exceptional circumstance for exercising powers under Section 482 of BNSS is made out. It is, thus, argued that the petition does not deserve to be allowed.

7. 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 and also purported to get the petitioner appointed as an executor of the Will and a guardian for the two children of the victim. The complainant who has lodged the complaint 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, 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.



8. So far as the remaining offences are concerned, as per the RFSL report, the signatures of the deceased as shown to be appended thereon have not been matched with his admitted signatures. The report as to authenticity of the Will has already been collected by the Investigating Agency. 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 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.

9. 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



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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 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