



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.52757 of 2024
Date of Decision: 07.02.2025

Prem Sagar Gujral ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Mohit, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0060	13.03.2024	DLF PH-3rd, District Gurugram	420, 467, 468, 471 and 120-B of IPC

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of a complaint lodged by

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complainant Rajni Sehgal on the allegations that her husband Sh. Harish Chand Sehgal had died on 24.08.2021 while leaving behind self-acquired and ancestral properties. The said properties were inherited by the complainant, her daughter and son. The petitioner who is husband of accused Anil Gujral i.e. sister-in-law (nanad) of the complainant, in connivance with co-accused Satish Kumar Sehgal who is her brother-in-law and Anil Gujral hatched a conspiracy to grab the properties left by her husband and in pursuance of that conspiracy, they prepared a false and fabricated Will in respect of properties of her husband in favour of accused Anil Gujral. They used this Will to transfer one plot bearing No.688-A situated at Sushant Lok Phase-1, Gurugram in favour of the petitioner by way of a transfer deed dated 29.08.2022. They even committed further forgery by changing page No.3 of the Will dated 07.06.2022 which was already a forged and fabricated document. On the basis of that Will, they even allured one person namely, Hitesh to purchase plot No.688-A by taking money from him. The said Hitesh on being duped by the petitioner and the co-accused had lodged a complaint against the petitioner and co-accused and only then the complainant came to know about the deeds done by the petitioner and the co-accused.

3. As per the further allegations, the petitioner and co-accused had falsely represented themselves to be actual owner of property bearing No.688-A while using the forged Will and at the time of execution of transfer deed in favour of the petitioner. On the basis of the same Will, they

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even withdrew all the money lying deposited in the bank account of husband of the complainant. They caused unlawful loss to the tune of Rs.30 crores to the complainant and her children. Therefore, she prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 22.07.2024. The investigation stands concluded and challan has been presented before the trial Court.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is neither beneficiary to the alleged transaction nor is involved in the fabrication of any Will. The entire case is based upon documentary evidence. The ingredients for commission of offence of forgery and use of forged documents, have not been attracted against him at all. Dispute between the parties is of civil nature which has been given colour of a criminal offence. The trial is likely to take time. The subject offences are triable by Magistrate. Infact, the complainant had been living separately from her husband from the last more than 20 years and had not joined his company. The victim had purchased certain properties out of his own resources and with the cooperation extended by the co-accused, who are his sister and brother respectively. The deceased had executed Will in their favour because of that reason. The Will in question is not a fabricated document. Civil litigation with regard to the authenticity of the Will is already pending. No useful purpose would be served by detaining him in custody any more. Therefore, it is urged that he deserves to be released on bail.

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5. Status report by the respondent No.1-State and reply by the complainant has been filed. It is argued by learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner who was infact a beneficiary to the property fraudulently transferred in his favour on the strength of a fabricated Will. Not only this, he even induced the complainant of FIR No.17 dated 22.01.2024 registered at Police Station Rajapur, Chitrakoot to purchase the property so got transferred in his name on the basis of false and fabricated documents. There are chances of his committing similar offences, intimidating the witnesses or absconding if extended benefit of bail. Therefore, it is urged that he does not deserve to be released.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. The petitioner in conspiracy with the co-accused is alleged to have forged a Will qua the properties of his brother-in-law Harish Chand Sehgal, in the name of his wife for their unlawful gain and to cause wrongful loss to the complainant who is wife of the deceased. He is also alleged to have made efforts to sell the said property further on the basis of false documents. As per the allegations, wrongful loss to the tune of Rs.30 crores has been caused by the petitioner and the co-accused to the complainant and her children. The allegations against the petitioner are serious in nature. Keeping in view the gravity of the allegations as levelled against them, the quantum of sentence which the conviction may entail and the attendant facts

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and circumstances but without meaning to make any comment on the merits of the case lest the same prejudice the trial, it is held that the petitioner does not deserve to be extended benefit of bail at this stage. Accordingly, the petition is dismissed.

07.02.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No