

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64416-2024
Reserved on: 07.05.2025
Pronounced on: 19.05.2025

Varun Kakkar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.S. Gandhi, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. R.S. Bains, Senior Advocate with
Mr. M.S. Chauhan, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
47	11.04.2024	NRI, SAS Nagar, Mohali	419, 420, 465, 467, 468, 471 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That with regard to the subject matter of the present petition, it is submitted that case/FIR No.47 dated 11.04.2024 under Sections 419, 420, 465, 467, 468, 471 IPC was registered at Police Station NRI, District SAS Nagar against Sonia, Varun Kakkar (petitioner) and Harjeet Singh after preliminary enquiry into the complaint made by Parveen Kaur Chera, inter-alia, alleging that she is a citizen of UK and presently residing in Sector 33 C, Chandigarh. She is aged 75 years. She has two sons and a daughter who are all UK citizens. Her husband Sh. Mohinder Singh Chera was an OCI card holder and used to travel frequently to India to manage their company Mahindra Cranks Private Limited, Ramgarh Road, Focal

Point, Dera Bassi in which she along with her husband are Directors. They have residential house No.1359, Sector 33 C, Chandigarh and also properties in Dera Bassi. Her husband Mohinder Singh Chera died on 24.08.2022 in UK due to sepsis which was caused on account of head injury inflicted upon him during his last visit to India under mysterious circumstances. She later learnt that her house helper Urmila Mukherjee and a girl namely Sonia who claims to be the granddaughter of Urmila Mukherjee prepared forged and fabricated Will dated 20.01.2022 in favour of Sonia, which was signed by Varun Kakkar (petitioner) and Harjeet Singh as attesting witnesses and notarized by Khushal Singh Notary on 20.01.2022 itself. It had been further alleged that her husband suffered a brain stroke in September, 2020 due to which his speech got impaired and in November, 2021, he was diagnosed with Dementia. Due to the aforesaid head injury, her husband, came to India on 01.05.2022 and was supposed to return to UK on 03.06.2022, however, he was not allowed to travel back and asked to deboard the plane on account of head injury.

3. That during preliminary enquiry, it transpired that the alleged Will dated 20.01.2022 issued in favour of Sonia was signed by Varun Kakkar (petitioner) and Harjeet Singh as attesting witnesses and notarized by Khushal Singh Notary on 20.01.2022 itself. Further, Khushal Singh Notary was associated in the preliminary enquiry, who specifically stated that the seals/stamps affixed on the aforesaid Will were not his and the alleged document (Will) never came to him and nor did the photocopy of the Will bear his signatures. It further came to light that the petitioner in connivance with his co-accused prepared a forged and fabricated Will of Mohinder Singh Chera and misused the same before the civil courts in order to grab the property of Mohinder Singh Chera. Accordingly, it had been recommended for registration of FIR against Sonia and her co-accused Varun Kakkar (petitioner) and Harjeet Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The counsel for the complainant and the State counsel opposes bail. The State's counsel refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“11. That vide the present petition, the petitioner has prayed for grant of

concession of anticipatory bail in the present case/FIR No. 47 (supra) on flimsy grounds besides raising disputed questions of facts which need not be entertained by this Hon'ble Court at this stage. It is submitted that the petitioner has been specifically named in the present case/FIR and during investigation, sufficient evidence in the shape of statement of Khushal Singh Notary and the FSL report has come on record to bring home the guilt of the petitioner in the commission of the offences of the present case/FIR. The investigation of the present case/FIR is underway and strenuous efforts are being made to take the same to its logical conclusion. In case, the petitioner is granted the concession of bail by this Hon'ble Court, then, there is every likelihood that he would evade the process of law, flee from justice, tamper with the evidence and prosecution witnesses and further, help/aid her co-accused who are yet to be arrested in the present case."

REASONING:

7. The allegations against the petitioner are that he is attesting witness on the forged will. The main accused who was beneficiary was Sonia and she has already been granted bail by this Court, as such, the petitioner is entitled to bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants

to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.