



221 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-63074-2025
Date of decision: 14.11.2025

PAWAN KUMAR GUPTA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. R.S. Cheema, Senior Advocate with
Ms. Tanu Bedi, Advocate and
Mr. Ishan Khetarpal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in case FIR No.316 dated 03.12.2021 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.
2. Learned counsel for the petitioner contended that the petitioner was granted the concession of anticipatory bail by learned Sessions Judge, Fatehgarh Sahib vide order dated 27.05.2022; however, the complainant moved a petition bearing **CRM-M No.27286 of 2025** before this Court, seeking cancellation of anticipatory bail given to the petitioner and his brother; this Court vide order dated 17.01.2023 added the condition of handing over the original Will to the investigator within a period of 15 days or file affidavit if not traceable; co-accused filed affidavit as per direction; the cancellation report was also filed in the present case but the same was not accepted by the



Magistrate and further investigation was directed; till date, no case is made out in this matter; the petitioner was arrested on 19.10.2025 from *Navi Mumbai*; he was already remanded to judicial custody; the petitioner is aged about 70 years and is suffering from various age related ailments; the petitioner is not involved in any other criminal activity and is a law abiding citizen; the complainant has no interest in the property in dispute as he is a second class heir and even a stranger, the sisters of the petitioner have submitted undertakings (statements) confirming the Will and relinquishing any claim to the property. As such, the petitioner deserves to be granted bail.

3. Learned State counsel submitted that in this matter, the investigation is going on; the petitioner has been arrested and has been remanded to judicial custody and one of the accused is yet to be arrested.

4. Mr. Shekhar Kumar, Advocate has put in appearance on behalf of the complainant and filed his memo of appearance. Learned counsel for the complainant submitted that the petitioner along with his brother played fraud regarding forgery of the Will of his real brother, namely, Ashok and the original Will has not been recovered yet.

5. Heard.

6. Keeping in view the facts and circumstances of the present case; brother and sister of Ashok Kumar (since deceased) have no objection regarding original Will of the deceased-Ashok Kumar and made statement in favour of the petitioner and his brother; complainant-Rajan Garg is stranger to the property and is not entitled to any share of deceased-Ashok Kumar; a civil litigation is pending between complainant and accused/petitioner; the offences, under which the FIR is registered, are triable by Magistrate; the petitioner was



arrested on 19.10.2025 and already remanded to judicial custody; he has clear and clean antecedents and not involved in any other criminal activities; the petitioner is aged about 70 years and is suffering from various age-related ailments; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner. Petitioner is directed to abide by the conditions as envisaged under Section 437(3) Cr.P.C.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

November 14, 2025
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(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |