

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65657-2024 (O&M)
Date of decision: 01.05.2025

Sonia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. K.T. Rau, Advocate,
Ms. Archana Arora, Advocate and
Mr. Ashish Sharma, Advocate
for the petitioner(s)

Mr. Akshay Kumar, AAG, Punjab.

Mr. R.S. Bains, Sr. Advocate with
Mr. Inderpal Singh Deol, Advocate
for the complainant.

ANOOP CHITKARA, J. (Oral)

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. Per paragraph 36 of the petition and paragraph 10 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	48	11.04.2024	379, 419, 420, 465, 467, 468, 471 IPC	NRI, District SAS Nagar

3. Facts are being taken from translated copy of FIR. Complainant stated that she is 75 years of age, widow of M.S. Chera and citizen of United Kingdom. She has two sons who are citizens of United Kingdom and a daughter who is citizen of USA. Her husband was OCI card holder and would travel frequently to manage their property. She stated that she and her husband own Mahindra Cranks Pvt. Ltd. Ramgarh Road, Focal Point,



CRM-M-65657-2024

Derabassi and were Directors in the said company and have a house in Chandigarh. She mentioned a large number of properties which her husband had possessed in Chandigarh and Mohali. Her husband expired on 24.08.2022 in UK as a result of sepsis which was due to a head injury received by him under mysterious circumstances during his last visit to India. As per FIR, complainant further alleged that their house help and granddaughter Sonia have fabricated Will in favour of the petitioner by forging her husband's signatures. Complainant stated that Urmila was hired as house help who do cooking and cleaning when they were in India. However, later on she called one girl Sonia to live with her. In September 2020, M.S. Chera suffered a stroke due to which his speech got impaired but he still visited India. In November 2021, he was diagnosed with dementia which resulted in memory loss. For the last time he visited India in May 2022 and in August, 2022 he passed away as a consequence of the head injury which he had received in India under suspicious circumstances. She stated that when in May 2022, her husband reached India on 13.05.2022 and he was supposed to return on 03.06.2022 but he was not allowed to travel back and was asked to de-board the plane because of the head injury. She said that they got to know about the fabrication of the Will in favour of the petitioner. After that, NRI Wing ordered an inquiry. Petitioner who was resident of Dehradun was found living in the house of late M.S. Chera. The inquiry revealed that Sonia was raised in this house and all her educational expenses were paid by M.S. Chera. Petitioner would look after the work of M.S. Chera and one authority was also given to Harjit Singh. During investigation one Tarsem Singh who is distant nephew of M.S. Chera told the Investigator that M.S. Chera had faith in Sonia and for that reason, he has given some rights to her. M.S. Chera had expired in 2022. When his family members visited India, they got to know about missing documents of his father. The Investigator also come across a Will which was notarized by one Notary on 20.01.2022. A perusal of the FIR points out that in the inquiry, it transpired that the Will was notarized by Khushal Singh and he stated that the stamps which were shown to be belonging to him infact did not belong to him and as such, the Will was apparently forged. The Investigator also found that M.S. Chera had dementia and he was advised not to travel alone. It also transpired that in addition to forging of Will, massive amount was transferred from the accounts related to M.S. Chera. The investigation also found that the Will was forged to grab the property and based on this, FIR was registered.

4. Counsel for the petitioner submits that FIR has been registered as pressure tactics by the legal heirs of M.S. Chera against the petitioner so that she does not get inheritance through Will by way of probate and that probate is yet to be decided by the District Courts, Chandigarh and the Will is genuine. The police is aware of the civil case as such no coercive actions are required against the petitioner in the present case. There is nothing to prove that the Will is forged or signatures are forged and custodial interrogation is not required because Will is already in custody of the police and nothing is to be recovered.



CRM-M-65657-2024

5. State refers to status report dated 09.01.2025 filed by concerned DySP and opposes the bail.

6. Counsel for the complainant stated that petitioner not only forged the Will but also forged the signatures and transferred massive amount of money turning into crores from the account of late M.S. Chera and the money was transferred in the account of the petitioner and there are bank transactions to prove it. Since the affairs were of a private limited company, as such there was no authority for the petitioner to transfer the amount in her personal account. To this, counsel for the petitioner submits that the money was transferred by the petitioner in her account to pay salaries of the workers.

7. On 1.4.2025, this Court had heard the arguments on behalf of the parties and reserved the judgment. However, in the interregnum, the petitioner moved an application and sought time of four weeks to enable her to arrange and deposit a sum of Rs.1,50,00,000/-, under protest, out of the alleged amount in connected matter. Upon which, this Court ordered to list the main petition along with connected petition for hearing today.

8. In the connected petition i.e. CRM-M-5224-2025, learned counsel for the petitioner has handed over Demand Draft No.000500 dated 30.04.2025, amounting to ₹1,50,00,000/- (Rupees One Crore Fifty Lakh only), under protest, drawn in favour of the Registrar General of this Court, to the instructing counsel for the complainant, who has undertaken to deposit the same with the Registrar General of this Court.

9. Counsel for the petitioner submits that they would make an endeavour to settle all their disputes out of Court.

10. On the other hand, counsel for the complainant submits that they would have no objection to any such endeavour.

11. Accordingly, let the parties settle their dispute by involving their respective counsel.

12. In view of facts and circumstances of the case, 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, subject to the compliance of terms and conditions mentioned in this order. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given above, provided the petitioner is not required in any other case, she 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 Ilaqa 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.

14. 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)	

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

16. 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.

17. 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.

18. 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.



CRM-M-65657-2024

19. 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.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

01.05.2025
AK

Whether speaking/reasoned: Yes
Whether reportable: No.