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By:RAHUL YADAV
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2. After last adjournment, the application CRL.M.A.15364/2026 was filed on behalf of the complainant *de facto* seeking permission to intervene in this anticipatory bail application. Copy of this application has already been supplied to counsel for accused/applicant. In view of settled legal position as well as in the interest of expeditious disposal of this anticipatory bail application, learned counsel for accused/applicant does not oppose this application. Accordingly, this application is allowed, making it clear that the accused/applicant did not file reply to the detailed averments in the said application only for expeditious disposal of this anticipatory bail application, so his not filing reply to this application shall not be read as his admission of the circumstances pleaded in the said application.

3. In these circumstances, I have heard learned counsel for the accused/applicant and the learned APP for State assisted by IO/SI Gajender Singh. I have also heard learned counsel for the complainant *de facto*/intervenor.

4. Broadly speaking, prosecution case is as follows. Late Sh. Khubram, who owned the subject property executed Will dated 17.08.1982, thereby disowning his both sons Ganeshi Lal and Chandan Singh, and he bequeathed the subject property in favour of his seven grandsons in equal shares. After death of Sh. Khubram, the subject property was mutated in favour of his

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seven grandsons. In the year 1992, one of those grandsons namely Mahender Kumar son of Chandan Singh also passed away intestate, leaving behind Chandan Singh as his only Class-I legal heir. As such, Chandan Singh inherited the 1/7th share of Mahender Kumar in the subject property. Subsequently, Chandan Singh transferred that 1/7th share in favour of his other son Satyapal by way of Release Deed dated 30.03.1998. Thereafter, Chandan Singh again transferred half share in the subject property in favour of co-accused Rajinder Singh by way of Release Deed dated 13.02.2014, though he did not have right, title or interest in that half share in the subject property on account of the Will executed by Sh. Khubram. It is alleged that the accused/applicant being son of Rajinder Singh got executed those transfer documents.

5. Against the above backdrop, learned counsel for accused/applicant contends that it is a simple civil dispute, which has been given a colour of criminality only to pressurize the accused/applicant. It is also submitted that civil suit pertaining to the above mentioned property dispute is already pending and there is no reason to arrest the accused/applicant. It is further submitted that after last date of hearing, the accused/applicant duly joined investigation.

6. Learned APP opposes the bail application on the ground that by way of order dated 17.03.2026, anticipatory bail was denied to the co-accused Rajinder Singh, therefore, the present case also is not fit for grant of same

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relief. However, in response to a specific query, learned APP on instructions of IO admits that none of the documents involved in the present case was found forged and the only allegation is of cheating in the sense that Chandan Singh executed Release Deed in favour of Rajinder Singh without having any right, title or interest in half share of the subject property. It is also submitted by learned prosecutor on instructions of the IO that the accused/applicant did join investigation, but he did not hand over the original Will executed by Sh. Khubram.

7. Learned counsel for complainant *de facto* also opposes bail application on the ground that co-accused Rajinder Singh is bedridden due to old age ailments and it is only the present accused/applicant who has been managing the entire exercise. It is contended that it is only the accused/applicant who obtained signatures of Chandan Singh on the Release Deeds in favour of Rajinder Singh, so the accused/applicant does not deserve any anticipatory bail.

8. To begin with, the significant aspects of this case are that the parties being close relatives are embroiled in civil litigation pertaining to the subject property; that admittedly it is not a case of forgery of any document; and that the only allegation against the accused/applicant is that he got the Release Deed signed by Chandan Singh despite the fact that Chandan Singh did not own half share in the subject property.

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9. So far as the denial of anticipatory bail to co-accused Rajinder Singh is concerned, it is submitted by both sides that the same was because Rajinder Singh is the ultimate beneficiary of the alleged cheating. At the same time, it is also admitted by both sides that despite denial of anticipatory bail way back on 17.03.2026, till date Rajinder Singh has not been arrested. Rather, learned counsel for accused/applicant alleges that Rajinder Singh is supporting the complainant *de facto*. To recapitulate, Rajinder Singh is the father of the accused/applicant.

10. There is no cogent evidence to show that the accused/applicant made Chandan Singh sign the Release Deeds in favour of Rajinder Singh. Currently, the accused/applicant is not the beneficiary of the alleged cheating. Admittedly, the accused/applicant did join investigation as and when directed by the IO. Merely because the accused/applicant is not able or does not produce the original Will of the Khubram, it cannot be said that he is not cooperating in the investigation. For, it is for the investigator to collect the evidence.

11. Considering the above circumstances, I find no reason to deny liberty to the accused/applicant.

12. Therefore, this anticipatory bail application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/-

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with one surety in the like amount to the satisfaction of the IO/SHO concerned. The accused/applicant shall join investigation as and when directed in writing by the IO.

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**GIRISH KATHPALIA
(JUDGE)**

MAY 14, 2026/ry