

UID No.PB0086

***IN THE COURT OF SHRI AVTAR SINGH,
ADDITIONAL SESSIONS JUDGE, AMRITSAR,***

BAIL APPLICATION NO. : 1636 of 2018
CNR NO. : PBAS01-004608-2018
DATE OF INSTITUTION : 11.04.2018
DATE OF ORDER : 16.04.2018

STATE Vs 1. Mukhtiar Singh, aged 67 years, son of Dharam Singh
2. Amarjit Singh son of Nahar Singh, aged 58 years, both residents of Majitha, Tehsil and District Amritsar
3. Gurmeet Singh son of Assa Singh, aged 72 years, resident of Ward No.6, Majitha, Tehsil and District Amritsar

APPLICANTS-ACCUSED

FIRST INFORMATION : 33 of dated 06.04.2018
REPORT NO.

UNDER SECTIONS : 420/467/468/471/120-B
IPC

POLICE STATION : Majitha, Amritsar

Ist Bail application under section 438 Cr.P.C for the grant of anticipatory bail.

PRESENT:-Sh. Amandeep Singh, Counsel for applicants-accused
Sh. Sandeep Sharma, Addl.P.P. for the State assisted by
Shri Khushbir Singh, Counsel for complainant Ravneet
Kaur

ORDER

1. This order of mine shall dispose off present above-mentioned bail application filed by applicants-accused Mukhtiar Singh and others, aforesaid, under section 438 Cr.P.C for the grant of anticipatory bail in the above-mentioned FIR.
2. Notice of present bail application was issued to State and upon notice, learned Additional Public Prosecutor appeared on behalf of State and Shri Khushbir Singh, Advocate appeared on behalf of complainant Ravneet Kaur and contested the bail application. Police Record also produced.
3. Learned Additional Public Prosecutor for the State and learned counsel for complainant namely Shri Khushbir Singh, Advocate argued that applicants-accused have prepared a forged and

fabricated Will dated 02.07.2013. Mutation was sanctioned. The applicants-accused further sold the property, in question, during the pendency of the suit. There are specific allegations against the applicants-accused. The offence is serious in nature. Therefore, present bail application must be dismissed.

4. On the other hand, learned counsel for applicants-accused argued that the applicants-accused have been implicated in the false case. Balbir Kaur prepared the genuine Will in favour of his sons namely Navjot Singh and Karamjit Singh. Amarjit Singh, Mukhtiar Singh and Gurmeet Singh are the attesting witnesses. They have no intention to cheat the complainant. Moreover, Moreover, Ravneet Kaur gave an affidavit that she has no objection if the mutation is sanctioned in favour of his brothers of the property of her mother Balbir Kaur. Therefore, the applicants-accused may be granted anticipatory bail.

5. From the submissions of learned Additional Public Prosecutor assisted by learned counsel for the complainant, learned counsel for the applicants-accused and from the perusal of the record it reveals that Ravneet Kaur submitted an application against Karamjit

Singh, Navjot Singh, Gurmeet Singh, Amarjit Singh and Mukhtiar Singh regarding the preparation of forged and fabricated Will of Balbir Kaur dated 02.07.2013. Although the affidavit given by Ravneet Kaur is admitted by Ravneet Kaur today in the Court, but she denied that the contents were read over to her. She stated that she was under the impression that the mutation of the property of Balbir Kaur will be sanctioned in favour all the siblings but the mutation was sanctioned on the basis of Will of Balbir Kaur in favour of Karamjit Singh and Navjot Singh. Learned counsel for the complainant brought on file copy of the Jamabandi for the year 2011-2012, which reflects that Karamjit Singh and Navjot Singh further sold the property. Mukhtiar Singh, Amarjit Singh and Gurmeet Singh are the attesting witnesses. The Will is unregistered document. So, it cannot be denied that they have no intention to cheat the complainant party. Further more, from the record it reveals that the allegations leveled against the applicants are serious in nature and this is a case where several facts relating to the offence may be within the exclusive knowledge of the applicants. Therefore, custodial interrogation of applicants may also be necessary for an effective investigation to elicit the various details pertaining to

the offence which are in the exclusive knowledge of the applicants. Thus, I am of the view that anticipatory bail cannot be granted in a case of this nature where custodial interrogation is found inevitable. Keeping in view the aforesaid facts, this bail application is accordingly dismissed. Bail papers be consigned to the record room.

PRONOUNCED IN OPEN COURT.

DATED : 16.04.2018

(AVTAR SINGH)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR
UID No.PB0086

Naresh Kumar
Stenographer(Grade-II)