

209 CRM-25716-2023 and CRM-25662-2023 in/and
CRM-M-26080-2023.

**SANJEEV KUMAR @ SANJEEV BANSAL
VS.
STATE OF PUNJAB AND ANOTHER**

Present: Mr.P.S.Alhuwalia, Advocate with
Mr. Keerat Dhillon, Advocate for the applicant-petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. S.S.Narula, Advocate with
Mr. G.S.Dhillon, Advocate and
Mr. S.P.S.Aulakh, Advocate for respondent No.2

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CRM-25662-2023

This is an application filed by applicant-petitioner under
Section 482 Cr.P.C praying for placing on record affidavit and relevant
documents as Anneuxre P-6 to P-9.

Heard.

For the reasons mentioned in the application, the same is
allowed. Annexure P-6 to P-9 is taken on record.

CRM-25716-2023

This is an application filed by respondent No.2/complainant
under Section 482 Cr.P.C praying for placing on record short reply on
behalf of respondent No.2/complainant along with documents Anneuxre R-
2/1 to R-2/7 as well as exemption from filing certified copies of the same.

Heard.

For the reasons mentioned in the application, the same is
allowed. Anneuxre R-2/1 to R-2/7 is taken on record.

CRM-M-26080-2023

The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 90 dated 04.05.2023 under Sections 419,420,465,467,468,474,120-B IPC registered at Police Station Mandi Gobindergarh District Fatehgarh Sahib.

Status report by way of an affidavit of Jangjit Singh, PPS< Deputy Superintendent of Police, Sub Division Amloh, District Fatehgarh Sahib has been filed and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

The case in question was registered at the instance of respondent No.2. As per version of complainant -Bajinath had three sons namely Suresh Kumar, Ashwani Kumar and petitioner-Sanjeev Kumar @ Sanjeev Bansal. Puneet Bansal-complainant is a son of late Ashwani Bansal. Ashwani Kumar expired in the year 2009 and the mother of Ashwani Kumar expired in the year 2000. The property of Ashwani Kumar was transferred in favour of his three sons and wife as per his will.

As per allegations in the FIR, Sh. Bajinath grandfather of the complainant had died intestate on 25.11.2002. After his death, the mutation of his property was sanctioned on the basis of natural inheritance in favour of three sons, in the year 2004-2005. Sh. Sanjeev Kumar- petitioner had sworn an affidavit and attached the same with the mutation proceedings to sanction the same in favour of all the three sons. The petitioner along with other accused and Bharat Kumar under a criminal conspiracy prepared a fake/forged will dated 07.06.2000 of Sh. Bajinath who neither executed any such will during his life time and nor got the same registered.

All the accused used the same as genuine. The complainant got compared the signatures of Sh. Baijnath on the will dated 07.06.2000 from Document & Handwriting Expert, who gave the report that signatures of Baijnath on Will dated 07.06.2000 did not tally.

Learned counsel for the petitioner submits that earlier the petitioner was not aware about the execution and registration of the Will by his father. On coming to know, the petitioner filed a civil suit for declaration on the basis of the said Will in November 2017. The copy of the plaint is annexed at Annexure P-2. All the defendants including brother of the complainant except complainant and his one brother filed written statement admitting the claim of the petitioner(Annexure P-7). The complainant and his one brother namely Amit Bansal contested the case and filed written statement long time back (Annexure P-3).

The matter regarding genuineness of the Will is pending in the civil Court. The petitioner has not derived any benefit on the basis of Will. The Will is a registered document. The opinion given by the Hand Writing Expert is to be tested before the Civil Court as well as in the cross examination of the witnesses. The petitioner has taken the recourse of the law by filing a civil suit. This complaint was filed on 14.12.2022 after more than four years of the filing of civil suit and of filing of written statement by complainant. The case is based on documentary evidence. The petitioner is ready to join the investigation.

Learned State counsel and learned counsel for the complainant has submitted that petitioner himself gave the affidavit and mutation was sanctioned in favour of the three brothers so it can be inferred that Will is

forged that is why it was not disclosed at that time with ulterior motive to use it later on. The custodial interrogation of the petitioner is necessary to identify the impersonation who had signed the Will on behalf of the Baijnath. The Govt. examiner after comparing the signatures on the Will with admitted signatures of the Baijnath provided by the petitioner himself came to the conclusion that signatures on the Will were not genuine. The petitioner is only having 1/3rd share and under the garb of this Will he wants to get the entire property. The case was registered after inquiry. The petitioner is involved in many other cases but he has wrongly claimed that he is not involved in any other case.

Heard.

The case is based on documentary evidence i.e. Will. The petitioner has already filed a civil suit for declaration on the basis of the said Will in November 2017. The complainant filed written statement in the said case longtime back but the complaint was moved in December, 2022, on the ground that the handwriting expert has given opinion that the signatures of the Baijanth on the Will are not genuine. It is specifically argued that the petitioner has not derived any benefit till today on the basis of the Will in question. It is well established that science of handwriting is not a perfect science. Since the civil court will is ceased of the matter and after cross examination of the expert and other witnesses, the Court will give its decision whether reliance can be placed on the said report. The petitioner has duly explained the earlier cases registered against him. Keeping in view that Will is dated 07.06.2000 and is duly registered

and there is no decision of any authority about genuineness of the Will and petitioner has not derived any benefit on the basis of the said Will, so the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Adjourned to 11.08.2023.

02.06.2023
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(GURBIR SINGH)
JUDGE