



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24927-2024
Date of decision: 19.02.2025

TEJINDER SINGH TULI AND ANR.Petitioners

Versus

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. M.S. Sachdeva, Advocate and
Mr. G.S. Madaan, Advocate for the petitioners.

Mr. Rajinder Singh Bhatta, DAG Punjab.

None for the complainant.

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SANJIV BERRY, J. (ORAL)

Learned counsel for the petitioners has placed on record the copy of the order dated 17.02.2025 passed by Hon'ble Supreme Court of India dismissing the SLP (CrI.) No.12100 of 2024 whereby, the order dated 21.08.2024 passed by this Court in *CRM-M-24927-2024* was challenged.

2. Learned State counsel has also not disputed this fact.
3. By way of present petition filed under Section 438 Cr.P.C, the petitioners seek anticipatory bail in case FIR (Annexure P-1) as under: -

| FIR No. | Dated | Sections | Police Station |
|---------|------------|--|---|
| 10 | 10.04.2024 | 457, 380, 420, 465, 467, 468, 471, 120-B IPC | NRI Jalandhar, District Police Commissionerate Jalandhar |



4. Learned counsel for the petitioners submit that in compliance to the order dated 21.08.2024, the petitioners have joined the investigation.

5. During the course of hearing on 21.08.2024, following order had been passed: -

1. *Status report dated 20.08.2024 filed in the form of an affidavit of Deputy Superintendent of Police, NRI Wing, Sub Division Jalandhar, is taken on record. Copy thereof has been supplied to learned counsel for the petitioners.*

2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioners that the deceased Kuldeep Singh was the next-door neighbour of petitioner No.1, who was having 4 daughters; all married. Deceased-Kuldeep Singh had executed GPA in favour of petitioner No.2, who happens to be nephew of petitioner No.1 and on the basis thereof, sale deeds (Annexures P-9 to P-11) were executed on 02.03.2022, 29.04.2022 and 08.12.2022 in favour of petitioner No.1 qua the house in question. He contends that sale proceeds were deposited in the account of the deceased-Kuldeep Singh and the petitioners have not committed any forgery or fabrication nor have they committed the alleged crime. He further contends that the police has tried to compare the signatures of the deceased on the GPA with the signatures on one of the alleged Will of the deceased, which in fact, is in dispute inter se daughters of the deceased, regarding which a civil suit (Annexure P-3) is already pending adjudication. He submits that when the signatures on the documents in question are already in dispute, there was no occasion for the police to consider it as standard signatures of the deceased. Moreover, when the amount of the sale consideration was deposited in the account of the deceased, he never objected to the same nor objected to the said transactions. He submits that the petitioners are not having any criminal antecedents and are ready to join investigation.*

4. *Per contra, learned State counsel while referring to the status report submitted by the State and on instructions from ASI Jaswinder Singh has not disputed the factum of sale deeds in question and also the fact that the complainant has also challenged the said sale deeds in a Civil suit (Annexure P-2), which is already pending. He further submits that comparison of the signatures of the deceased has been made from the Will of the deceased dated 04.11.2019.*

5. *Learned counsel for the complainant has pointed out that the alleged General Power of Attorney even comes to an end after the demise of the executor thereof. He submits that the third sale deed was executed on 08.12.2022 and the executor had*



expired on 08.12.2022 itself, therefore, the third sale deed would be non est.

6. *However, on query, learned counsel for the complainant admits that the deceased had expired in America and the alleged sale deed was executed on 08.12.2022 in the afternoon in India and he could not dispute the fact that at the relevant time the date in America would have been 07.12.2022.*

7. *Considering the rival contentions and perusing the record, without commenting on the merits of the case, it is deemed appropriate that the petitioners should join the investigation first, before deciding the petition on merits. Accordingly, the petitioners are hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioners, they shall be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

8. *List on 12.09.2024.”*

6. Learned State counsel on instructions received from SI Palwinder Singh informs the Court that the petitioners have joined the investigation and are neither required for further investigation nor for any custodial interrogation.

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners have joined the investigation consequent to the order dated 21.08.2024 passed by this Court, interim bail granted vide order dated 21.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. Further the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

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8. The petition stands allowed.
9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.02.2025
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(SANJIV BERRY)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |