

**CRM-M-46657-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.210****Case No. : CRM-M-46657-2024****Decided On : January 22, 2025**

Paramjit Kaur @ Paramjeet Kaur Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH.

* * *

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

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SANJAY VASHISTH, J. (Oral) :

1. Prayer in the present petition is for issuance of directions to the Investigating Officer to release the petitioner on anticipatory bail in case FIR No.98 dated 16.07.2024, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Division No.2, Pathankot, District Pathankot.

2. On the last date of hearing i.e. 19.09.2024, following order was passed in this petition :-

“The petitioner seeks grant of anticipatory bail in respect of a case registered against her vide FIR No. 98, dated 16.07.2024, Police Station Division No.2, Pathankot District Pathankot, under Sections 420, 465, 467, 468, 471, 120-B IPC.

The FIR was lodged by Jasdeep Singh son of Jaswinder Singh (deceased) wherein it is alleged that petitioner-Paramjit Kaur had forged a WILL in the year

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2011 purported to be of Jaswinder Singh wherein he had bequeathed his estate in favour of Paramjit Kaur.

Learned counsel for the petitioner submits that after death of husband of the petitioner she had started residing with Jaswinder Singh and had been taking care of him and on account of which her husband trusted her completely and had also invested amounts jointly in FDRs with the petitioner. It has further been submitted that after death of Jaswinder Singh his son forged a WILL in the year 2023 purported to be executed by Jaswinder Singh which was in favour of son of Jaswinder Singh and his brother. It has further been submitted that the complainant who is son of Jaswinder Singh got both the WILLS compared and the hand-writing expert simply compared the signatures of Jaswinder Singh as existing on both the WILLS and gave his opinion that the earlier WILL is forged without comparing the existing signatures with any standard or admitted signatures of Jaswinder Singh.

Notice of motion for 22.01.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioner submits that the dispute is with regard to the genuineness of the Will, which can be decided by the Civil Court only on the basis of evidence. The counsel further contends that it is the assertion of the petitioner that the Will dated 02.02.2011, executed by the deceased Jaswinder Singh, is the subject matter for its examination and a suit has been filed by the petitioner Paramjit Kaur seeking declaration by



virtue of the Will dated 02.02.2011. Thus, counsel submits that there is no criminality involved in the present case. Moreover, pursuant to order dated 19.09.2024, the petitioner has joined investigation.

4. Learned State counsel has filed the Status Report by way of affidavit of Sumeer Singh, PPS, Deputy Superintendent of Police, Sub-Division City, District Pathankot, on behalf of the respondent-State in the Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel confirms the statement made by the counsel for the petitioner with regard to the joining of investigation. However, he submits that the original Will dated 02.02.2011 is yet to be recovered.

This Court has noticed that right of the parties, if any, accruing through the said Will, would be adjudicated by Civil Court, where onus would be upon the plaintiff to produce and prove the Will in question.

6. In view of the circumstances recorded herein above and the statement by learned counsel of joining the investigation by the petitioner, the order dated 19.09.2024 is hereby confirmed.

The petition stands allowed.

January 22, 2025

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**(SANJAY VASHISTH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>