



108-3

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-61371-2025
DECIDED ON: 23.02.2026**

BHUPINDER SINGH AULAKH**.....PETITIONER**

VERSUS

STATE OF PUNJAB AND ANOTHER**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. F.S. Virk, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Sunny Kumar Singla, Advocate, for the complainant.

SANJAY VASHISTH, J (ORAL)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Bhupinder Singh Aulakh	129	30.08.2025	419, 420, 465, 467, 468, 471 and 120-B of IPC	Sadar Ahmedgarh	Malerkotla

2. On 03.11.2025, following order was passed by this Court:-

“Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-



Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
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2. *Learned counsel for the petitioner inter alia contends that as per the allegations the petitioner is an attesting witness on the unregistered will dated 17.08.2019, which made the will in question believable and resultantly mutation was sanctioned in favour of the actual accused persons/ transferees off the land. Further explains that the actual owner of the property, namely Mukhtiar Kaur expired on 14.02.2023 i.e. much after the disputed will dated 17.08.2019, therefore, merely on the basis of the allegations it cannot be assumed that the petitioner has attested /identified any dead person.*

Further explains that without examining the record, no definite view can be arrived at that at the time of execution of the will dated 17.08.2019, deceased executant Mukhtiar Kaur was not here in India. Thus, allegations required to be proved by prosecution are much dependent upon the documentary evidence and merely on the basis of suspicion custodial interrogation is not warranted for investigation purpose. Learned counsel also points out that other co-accused Lakhwinder Kaur has already been granted the concession of anticipatory bail vide order dated 22.10.2025 passed in CRM-M-59759-2025 and Charanjit Kaur has also been granted the concession of anticipatory bail vide order of even date dated passed in CRM-M-60304-2025 and in view of the explanation given here-in-above, case of the petitioner is not much indifferent. Thus, prays for grant of anticipatory bail as he is ready to join the investigation and cooperate with it.

3. *Notice of motion.*

4. *On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter, highlighting therein the role and antecedents of the petitioner.*

5. *Mr. Sunny Singla, Advocate, puts in appearance on behalf of respondent No.2.*

6. *Adjourned to 16.12.2025.*

7. *Till the next date of hearing, petitioner shall not be arrested. However, question of joining of investigation of the petitioner would be examined on the next date of hearing.*



8. *To be heard along with CRM-M-60794-2025.”*

3. Continuing his submissions, learned counsel for the petitioner contends that petitioner was merely an attesting witness to the Will dated 17.08.2019, which subsequently formed the basis for sanction of Mutation No.6828 dated 09.01.2024 in favour of co-accused Bhajan Singh. It is argued that by attesting the said Will, it cannot be inferred that petitioner identified any person falsely or attested the execution in the absence of the executant.

It is further submitted that the question as to whether the executant of the Will, namely Mukhtiar Kaur, was present in India at the time of its execution is a matter of trial, which would require evidence to be led by the prosecution during the course of trial.

4. Counsel also submits that petitioner is not a direct beneficiary either of the sale deed in question or of the Will dated 17.08.2019, to which he is alleged to have been an attesting witness.

Lastly, it is submitted that petitioner is ready and willing to join the investigation and to cooperate fully with the Investigating Agency, provided he is granted protection from arrest by this Court.

5. Learned State counsel has filed comprehensive status report dated 23.02.2026 in the Court today and the same is taken on record.

6. Role attributed to the petitioner and the connecting evidence against him, as reflected in the status report, are reproduced hereunder:—

*“That so far as the role of the **present petitioner-Bhupinder Singh** is concerned, it is respectfully submitted that the petitioner is specifically named and found to be an attesting witness to the private Will dated 17.08.2019, which formed the basis for sanction of Mutation No. 6828 dated 09.01.2024 in favour of*



co-accused Bhajan Singh, the investigation has revealed that on the date of execution of the said Will, Mukhtiar Kaur was residing in the United States of America and was not present in India, as established from her passport and immigration record, yet the petitioner appended his signatures as an attesting witness certifying execution of the document and thereby facilitated its use before the revenue authorities; on the strength of the said mutation, Sale Deed (Vasika) No. 2024-25/130/1/147 dated 22.04.2024 and Sale Deed (Vasika) No. 2024-25/130/1/148 dated 22.04.2024 were executed, followed by Sale Deed (Vasika) No. 1018 dated 10.09.2024, resulting in transfer of substantial immovable property, thus establishing a direct nexus between the attestation by the petitioner and the subsequent fraudulent alienations, prima facie attracting offences under Sections 465, 467, 468, 471 and 120-B IPC.

I. Certified copy of the private Will dated 17.08.2019 bearing the signatures of the petitioner as an attesting witness;

II. Passport and immigration record of Mukhtiar Kaur establishing her residence in the United States of America and her absence from India on the date of alleged execution of the Will;

III. Revenue record reflecting sanction of Mutation No. 6828 dated 09.01.2024 on the strength of the said Will;

IV. Certified copies of consequential Sale Deed (Vasika) No. 2024-25/130/1/147 dated 22.04.2024, Sale Deed (Vasika) No. 2024-25/130/1/148 dated 22.04.2024 and Sale Deed (Vasika) No. 1018 dated 10.09.2024 executed on the basis of the said mutation; and

V. Inquiry report and legal opinion forming the basis of registration of FIR No. 129 dated 30.08.2025.”

7. In view of the submissions advanced by learned counsel for the petitioner and the stand reflected in the status report, this Court does not find any substantial reason to subject the petitioner to custodial interrogation. Accordingly, his plea for anticipatory bail is accepted, and present petition stands allowed.



8. Accordingly, petitioner is directed to join the investigation within two weeks from today, or as and when called by the investigating agency, and in the eventuality of the arrest, petitioner would be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

9. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

10. With the directions as recorded here above, present petition stands disposed of.

23.02.2026

Lavisha

**(SANJAY VASHISTH)
JUDGE**

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