

CRM-M-18819 of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18819 of 2015
Date of Decision: 28.02.2019

Assa Singh
...Petitioner

Versus

State of Punjab and others
....Respondents

CRM-M-39327 of 2017

Assa Singh
...Petitioner

Versus

State of Punjab and others
....Respondents

CRM-M-44237 of 2014

Gurmeet Kaur
...Petitioner

Versus

The State of Punjab and others
....Respondents

CRM-M-13957 of 2017 (O&M)

Harjinder Singh
...Petitioner

Versus

State of Punjab and others
....Respondents

CRM-M-18819 of 2015

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. N.P.S. Mann, Advocate, for the petitioner
(in CRM-M-18819 of 2015 & CRM-M-39327 of 2017).
Mr. Nakul Sharma, Advocate, for the petitioner
(in CRM-M-13957 of 2017).
Mr. Harpreet Multani, AAG, Punjab.
Ms. Puja Chopra, Advocate, for the applicant
(in CRM-13666 of 2016 in CRM-M-18819 of 2015).

RAMENDRA JAIN, J. (ORAL)

By this common order, I shall dispose of above-titled four petitions i.e. CRM-M-18819 of 2015 and CRM-M-39327 of 2017 filed by accused Assa Singh for quashing FIR No.249 dated 11.12.2012 registered under Sections 409, 420, 465, 467, 468, 471, 120-B IPC at Police Station Sadar Ferozepur, District Ferozepur, and order dated 09.08.2017 passed by Director General of Police, Punjab, whereby further enquiry in the aforesaid FIR has been entrusted to Inspector General of Police, Bathinda Range, Bathinda; CRM-M-44237 of 2014 by accused Gurmeet Kaur for quashing the aforesaid FIR and issuance of direction to the official respondents to file cancellation report in the FIR in question and CRM-M-13957 of 2017 by Harjinder Singh, a public spirited person being a vigilant citizen of this country, to protect Government property, which was being tried to be usurped illegally by Assa Singh in connivance with Government officials.

2. Briefly, petitioner Assa Singh moved an application to enter his ownership with regard to the land owned by Central Government situated in District Ferozepur, by correction in the revenue record, which was not entertained for one reasons or the other by the revenue authorities. Therefore, Assa Singh approached this Court by way of CWP No.2591 of 2012, seeking direction to revenue authorities to make necessary correction

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in the revenue record in his favour, which was disposed of vide order dated 13.02.2012, directing the revenue authorities to decide the application of petitioner Assa Singh dated 17.02.2011, which, on enquiry, was dismissed on the ground that on the basis of some forged documents and tampering with the revenue record, petitioner Assa Singh wanted to get entered *farad badar* in his favour to usurp Government land worth crores of rupees. When this fact came to the notice of the District Magistrate, Ferozepur, he directed the Sub Divisional Magistrate, Ferozepur, to enquire into the matter, who vide his enquiry report dated 12.04.2012 reported that documents on the basis of which petitioner Assa Singh wanted to get entered his ownership over the Central Government land were forged and fictitious. On receiving the said report from SDM, District Magistrate, directed the concerned Tehsildar to take possession back from petitioner Assa Singh, to which he laid challenge before this Court by way of CWP No.2591 of 2012 titled as “Assa Singh v. State of Punjab and others”, finally dismissed on 07.03.2017. Simultaneously, District Magistrate, Ferozepur, ordered for registration of FIR against petitioner Assa Singh. During investigation, petitioner Assa Singh moved application for re-investigation of the matter. Consequently, on his request, SP (HQ), Ferozepur, conducted enquiry and exonerated him.

3. Petitioner Harjinder Singh being aggrieved person from the enquiry of SP(HQ), Ferozepur, immediately approached this Court by way of CRM-M-39925 of 2014 and CRM-M-7820 of 2015, seeking further investigation by constituting Special Investigating Team. During the pendency of the above petitions, SP (HQ), Ferozepur on 20.02.2015

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constituted SIT, who found petitioner Assa Singh guilty of committing fraud and cheating to usurp the Government land on the basis of forged and fabricated papers (Annexure P-7 with CRM-M-13957 of 2017). To scuttle the said investigation, petitioner Assa Singh moved application before Director General of Police, Punjab, for re-investigation of the matter, who forwarded the application to DIG, who further ordered for re-enquiry by the police outside District Ferozepur. Consequently, enquiry was conducted by S.P. Ferozepur, who gave report (Annexure P-12 in CRM-M-39327 of 2017) in favour of Assa Singh.

4. Being aggrieved, Harjinder Singh moved an application to DIG, Ferozepur Range, objecting to the said enquiry. Simultaneously, petitioner Assa Singh moved another application before the Inspector General of Police for conducting preliminary enquiry apart from the SP, Fazilka, who forwarded the same to DIG Ferozepur Range, Ferozepur Cantt., who agreeing with the report of SP, Fazilka, recommended for filing of cancellation report.

5. Being aggrieved, petitioner Harjinder Singh approached this Court by way of CRM-M-13957 of 2017, referred to above, wherein on 25.05.2017 following order was passed: -

“Learned counsel for the petitioner contends that despite a Special Investigation Team headed by the SP Investigation having found that the FIR was correctly lodged against respondents No. 6 to 11, with the allegations that they had usurped about 15 acres of land belonging to the Central Government, and that report having been submitted before this Court in CRM No. M-18819 of 2015, now the said respondents have allegedly

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got the investigation transferred to outside Ferozepur, i.e. to District Fazilka, by exercising undue influence.

Notice of motion, returnable for 10.08.2017.

On the asking of the Court, Mr. Rajesh Mehta, Addl. Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 5.

A copy of the petition be handed to him during the course of the day.

Since the acreage of land is contended to be very large, belonging to the Central Government, the DGP Punjab is directed to look into the matter and to file his affidavit in response to the petition.

The State is also directed to produce before the Court the original revenue record pertaining to the land in question.

In the meanwhile, no report under Section 173 Cr.P.C. shall be submitted by the investigating agency, pursuant to the investigation being conducted outside District Ferozepur.

A copy of this order be given to the learned State counsel.”

6. Consequently, Director General of Police, Punjab, sought time for re-examination of the matter vide reply dated 09.08.2017 and entrusted the enquiry to Inspector General of Police, Bathinda Zone. Thereafter, on 24.11.2017, DGP, Punjab, submitted another affidavit affirming allegations against petitioner Assa Singh that he on the basis of forged and fabricated documents wants to usurp Government land worth crores of rupees by committing fraud.

7. Learned counsel for petitioner Assa Singh *inter alia* contends that petitioner was never joined in the investigation conducted by SIT

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headed by SP(Investigation), Ferozepur. Therefore, same is not binding upon him. In four enquiries conducted by police at different times, petitioner Assa Singh was found innocent. Therefore, there was no necessity for ordering fifth enquiry by DGP. In support of his contentions, learned counsel placed reliance on the orders of this Court in ***CRM-M-18244 of 2008 dated 12.01.2009*** and in ***CWP No.6499 of 2012 dated 07.03.2017***.

8. On the other hand, learned State counsel, assisted by learned counsel for petitioner Harjinder Singh and intervener Anuj Ashwani contends that none of the enquiries, which petitioner Assa Singh is claiming in his favour, had ever attained finality. DGP had ordered re-investigation by SIT in compliance of order dated 25.05.2017 of this Court, whereby he was directed to look into the matter. Thereafter, DGP filed status report dated 21.11.2017, holding petitioner Assa Singh guilty for the aforesaid allegations of fraud and fabrication.

9. Having given thoughtful consideration to the rival submissions, this Court finds the petitions filed by petitioners Assa Singh and Gurmeet Kaur completely devoid of any merit for the reason that under the supervision of DGP, in compliance to the directions of this Court, final enquiry report has come against petitioner Assa Singh that he in connivance with Government officials tried to grab Government property worth several hundred crores on the basis of forged and fabricated documents, negating or nullifying all earlier enquiries in favour of Assa Singh conducted by officers below the rank of IGP.

10. Therefore, impugned FIR against Assa Singh cannot be ordered

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to be quashed or State cannot be asked to file cancellation report, which was allegedly prepared by the police of outside District of Ferozepur, where the land situated, on the representation of the petitioner, may be for some extraneous reasons, which was never presented in the Court. Allegations are very serious against petitioner Assa Singh. It has come in the enquiry report, as pointed out by learned State counsel, that petitioner was not infant at the time of alleged forgery, rather he himself had fabricated and forged antedated application for transfer of land, sale certificate, rapat No.370 dated 20.08.1967, mutation No.5198 dated 16.09.1967 and jamabandi for the year 1968-69 at the time of consolidation and *farad badar* for implementation of forged documents in connivance with the revenue officials to wrongfully gain himself and cause huge loss to the State exchequer.

11. Consequently, three petitions filed by Assa Singh and Gurmeet Kaur are dismissed.

12. Since, grievance of Harjinder Singh has already been redressed, as police is going to file final report under Section 173(2) Cr.P.C. against Assa Singh and revenue officials, who connived with him, therefore, the same is disposed of without passing any further order. Consequently, CRM-13666 of 2016 is dismissed as having been rendered infructuous.

February 28, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No