

CRM-M-7217-2020

Date of Decision:10.02.2021

Manpreet Singh Cheema

.....Petitioner

Vs.

State of Punjab and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. B.S.Bhalla, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Rakesh Gupta, Advocate,
for respondent no.7.

Mr. Gurvinder Singh Hayer, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 12 having been registered at Police Station City NRI, District Moga, on 25.12.2019, alleging therein the commission of offences punishable under Sections 420, 465, 467, 468, 471 and 448 of the IPC, read with Section 120-B thereof

The petitioner having been admitted to interim bail by this court on 11.09.2020, thereafter on 15.12.2020, the following order had been passed by this court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Eventually pursuant to the previous orders passed, a reply to the petition by way of an affidavit of the DSP, NRI Wing, Ludhiana, has been filed, essentially stating therein that as per the FSL report (copy Annexure R-1 with the reply), the signatures of the deceased, Shavinder Kaur, as were present on the will presented by the petitioner, were compared with the signatures from her bank account as also the money withdrawal forms signed by her pertaining to her account, and the said signatures do not match and therefore the

signatures on the will were found to be forged.

Mr.Bhalla, learned counsel for the petitioner, however points out that as stated in paragraph 6 of the petition, in fact a compromise deed was executed by the late Shavinder Kaur with her relatives who had withdrawn Rs.36.00 lakhs from her account, before the Economic Offences Wing of District Police, Moga, with her signatures obviously also present on that deed, which the reply of the DSP does not even touch upon.

He further points to paragraph 7 of the petition, wherein it has been stated that the deceased was in fact so much against the complainant, i.e. her sister, that she had even made video recordings to the effect that once her sister comes from abroad, she would try and "take everything of Shavinder Kaur".

Again, the reply to paragraph 7 of the petition is wholly evasive and the attitude of the DSP who has filed it is to be deprecated, inasmuch as he has stated that no such complaint was ever moved before the NRI Wing of the District Police, Moga. He thus treats the NRI Wing of Moga Police to be an organization which is not even bound to look into any evidence earlier gathered, virtually treating it to be a police of a different country altogether.

Consequently, now the ADGP/IGP heading the NRI Wing in Punjab, is directed to go personally into the matter and file a detailed reply with regard to all contentions raised in the petition by the petitioner, including obviously what is contained in paragraphs 6 and 7 thereof pertaining to the compromise stated to have been earlier reached between the deceased and her relatives (to which the petitioner is also stated to have been a witness), as also the video recordings alleged to have been recorded, pertaining to the deceased allegedly making allegations against her sister, i.e. the complainant in the FIR. The attitude of the DSP, who has filed the reply, shall also be gone into by the ADGP/IGP of the NRI Wing to explain as to why even basic investigation has not been conducted with regard to the above and why it was such a callous reply that was filed before this court.

If the reply of the ADGP/IGP of the NRI Wing in Punjab, looking into all these factors as may be presented by both sides, i.e. the petitioner and the complainant, is not filed, he shall remain personally present in court on the next date of hearing itself, via video conference.

It shall also be clarified by the ADGP/IGP of the NRI Wing as to whether the withdrawal form allegedly signed by the deceased, Shavinder Kaur, as was obtained from the bank for comparison of signatures, was the one alleged to have been forged by her relatives, with Rs.36.00 lakhs withdrawn from her account (after which upon the said Rs.36.00 lakhs having been returned, the aforesaid compromise deed was said to have been signed before the Economic Offences Wing of Moga Police in the year 2017).

It is to be noticed here that otherwise this court would not ask, in every single case, an ADGP/an IGP to file a reply, but looking at the fact that the DSP has not even bothered to undertake basic investigation and has filed such a callous reply, the head of the NRI Wing has been directed to go into the matter himself and to file his personal reply, giving therein also his opinion, and not just stating in the reply that whatever he has filed is as per record.

Upon query to Mr.Gupta, learned counsel for respondent no.2 (bank), he has submitted that the withdrawal form that was taken

by the police (for the purpose of comparison of the signatures on the will presented by the petitioner), was dated 8.6.2018.

Adjourned to 15.1.2021.

Interim order to continue till the next date of hearing.”

Pursuant thereto the ADGP NRI Affairs, Punjab, has filed a detailed affidavit, dated 11.01.2021, giving therein the details of the investigation carried out by a committee headed by an AIG, and even as per the said committee, firstly as regards the signatures of the late Shavinder Kaur, they were found to be genuine, on the will executed by her in favour of her sister Parminder Kaur, but the signatures on the will relied upon by the petitioner were not found to be matching with the standard signatures of Shavinder Kaur as obtained from her bank.

As regards the contention of learned counsel for petitioner that Shavinder Kaur had even got a video recording made to the effect that when her sister Parminder Kaur comes from Canada she would try and usurp her entire property, the ADGP has stated that a perusal of the said video clip by the Committee does not reveal any such 'utterance' (with in fact the petitioner having given the video clip at a very belated stage to the police).

It has further been stated, in relation to the video clip, that it seemed to have not been made with the knowledge of the late Shavinder Kaur, who was an old lady; and in fact the petitioner was found to be manipulating questions directed at her and trying to get her to say something.

Though learned counsel for the petitioner submits that in fact one of the queries raised by this court with regard to comparison of the signatures of the petitioner with the signatures of the late Shavinder Kaur as are admittedly available in the police station (as contended) is not a query which has even been answered by the ADGP, however, looking at the detailed reply

and what is contained therein, further seen with what has been pointed out by learned counsel for the complainant that even the NRI Commission did not find the earlier inquiry conducted by the DSP, Moga, (in favour of the petitioner) to be a believable inquiry, I would see no reason to continue with this petition, which is consequently dismissed and the interim order passed in favour of the petitioner vacated.

However, it is made absolutely clear that whatsoever has been observed in this petition by this court, either in this order itself or earlier, shall not be taken to be any observation on the merits of the case by this court, either against or for the petitioner, with all such observations having been made only in the context of a petition seeking anticipatory bail.

Naturally, the investigation would continue as per law and if eventually any trial goes to court, that court would proceed with the trial wholly on the basis of evidence led before it.

February 10, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned
Whether Reportable

: YES/NO
: YES/NO