

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

CRM-M-27572-2021

Date of decision : 12.09.2022

Sukhdev Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jasinder S. Thind, Advocate
for the petitioner.

Mr. Gurdarshan S. Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed u/s 482 Cr.P.C., the petitioner sought directions to respondent No.3 to investigate and decide the complaint dated 28th of December, 2020 (Anexure P-5).

2. On 20th of July, 2021, Ld. State Counsel sought time to complete instructions. During the pendency of the present petition, affidavit dated 24th of May 2022 of respondent No.2-Commissioner of Police, Amritsar has come on record. The operative part thereof reads as under :-

4. That the deponent has obtained a detailed report from the Deputy Commissioner of Police (Detective) Amritsar with respect to the progress of the inquiry proceedings relating to the complaints UID Nos. 1946402 dated 28.12.2020, UID No. 2231287 dated 07.01.2022 and UID No. 2329666 dated 09.05.2022 filed by the petitioner and complaint UID No. 2289006 dated 01.04.2022 by the respondent No. 6 in the office of the deponent. The Deputy

Commissioner of Police (Detective), Amritsar City has submitted his detailed report No. 43-5AP dated 19.05.2022 in the office of the deponent about the progress of the inquiry reporting therein that respondent No. 6 and 9 are not cooperating in the inquiry proceedings and have not produced the original Wills in their favor for the purpose of comparison of signatures from the Forensic Science Laboratory despite issuance of repeated notices to them and he requires more time to complete the inquiry after: analyzing all the relevant. The true translation of the concluding paragraph of the aforesaid report dated 19.05.2022 is reproduced for the kind perusal of this Hon'ble Court as under:

"I have minutely examined the recorded statements, other documents, court judgments, revenue records and facts brought on file by the petitioner Sukhdev Singh son of Tarlok Singh R/o 1186, Housing Board Colony Ranjit Avenue, Amritsar & respondents Gajinder Kumar son of Raj Kumar R/o 91, Katra Moti Ram, Amritsar, Satnam Singh son of Kartar Singh R/o Vill.Margindpur, Teh.Patti Distt.Tam Taran, Monika Bhagat & Sonika Bhagat both d/o Pyare Lal Bhagat R/o 401 Basant Avenue Amritsar and Harwinder Singh Patwari Circle Tung Bala, Amritsar-2 and after examination it comes out that petitioner Sukhdev Singh son of Tarlok Singh has alleged in his complaint that the respondents Gajinder Kumar son of Raj Kumar R/o 91, Katra Moti Ram, Amritsar and Satnam Singh son of Kartar Singh R/o Vill. Margindpur, Teh. Patti Distt. Tarn Taran are staking claim on Kothi no 401, Basant Avenue, Amritsar on the basis of forged Wills, due to which the comparison of these Wills from FSL is necessary. The respondents Gajinder Kumar and Satnam Singh have not produced the original Wills so far. The respondents Gajinder Kumar and Satnam Singh were issued Notice No 26-5P dated 10.05.2022 and Notice No 27-5P dated 10.05.2022 for 14.05.2022 for producing original wills, but these respondents have neither come present nor produced the Wills through some other persons and now respondents Gajinder Kumar and Satnam Singh have been issued Notices No. 32-5P dated 18.05.2022,

Notice No. 33-5P dated 18.05.2022 respectively for producing the original Wills. After getting the original Wills, there will be sent to Forensic Science Laboratory and further legal action will be taken as per the report. It is pertinent to mention here that the present inquiry was marked to undersigned on 09.05.2022 and it is not possible to examine these Wills in such a short span of time. Due to these reasons some more time is required for the inquiry. Some more time be given so that the report be produced after examining true facts."

The true translation of the aforesaid report dated 19.05.2022 is attached herewith for the kind perusal of this Hon'ble Court as **Annexure R-1/T**. The true translation of the Notices Nos. 25-5P dated 10.05.2022, 27-5P dated 10.05.2022, 32-5P dated 10.05.2022 and 33-5P dated 10.05.2022 are attached here with. In fact statements of Satnam Singh son of Kartar Singh (respondent No.9) have been recorded in which he himself admitted to produce the original will before 29.03.2021 but till the same date has not been produced so far. Statements of Satnam Singh son of Kartar Singh are attached herewith for the kind perusal of this Hon'ble Court as **Annexures R-2/T to R-7/T**.

5. That it is humbly submitted that matter is being inquired by Deputy Commissioner of Police (Detective), Amritsar City who has been directed to examine all the aspects regarding the present matter and then submit his report. The deponent assures that all possible steps shall be taken for the completion of the aforesaid inquiry as soon as possible and further appropriate/suitable action would be taken in accordance with law on the basis of the findings of the inquiry report after its submission in the office of the deponent by the Deputy Commissioner of Police (Detective), Amritsar City."

3. On 24th of May, 2022 while affidavit was taken on record, State Counsel submitted that pending inquiry will be taken to its logical end

within three months.

4. Keeping in view the stand of the State which has come on record and the fact that the matter is being investigated after registration of the case, nothing remains to be adjudicated at the hands of this Court.

5. Resultantly, the present petition is dismissed.

6. At this stage, Mr. Thind, prays that the petitioner be granted liberty to avail alternate remedies as prescribed under the law.

7. Liberty is granted, as prayed for.

September 12, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No