

103

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

CRM-M-25373-2022 (O&M)

Date of decision:02.08.2022

DALJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Shivya Sehgal, Advocate
for the petitioner.

Mr. M.S. Nagra, Asst. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

1. On oral request of learned counsel for the parties, the main case is taken up for hearing today.

2. The petitioner is the complainant in FIR No.10, of 02.05.2022, registered at Police Station PS NRI, District Police Commissionerate Ludhiana, and, therein the offences constituted under Sections 255, 420, 465, 467, 468, 471, 120-B of IPC, are embodied.

3. The petitioner is averred to be the lawful owner of the petition land, but the private respondents concerned, are alleged to, after joining one, Nirmala Devi, rather execute the disputed power of attorney in favour of the accused concerned, and, thereafter, theirs proceeding to make alienations thereof, to the vendees concerned, and, subsequently, theirs obstructing the lawful owners to raise construction, upon, the petition land.

4. Even if the petition FIR has been registered against the accused concerned, who are arrayed, as private respondents in the instant petition, but the gravamen of the representation appended with the petition respectively, as

Annexures P-4, P-7, and, P-9, is that yet the Probing Agency holding investigations into the petition FIR, is not holding a fair, and, impartial investigation into the petition FIR, but rather is proceeding to purportedly connive with the private respondents.

5. In rigor to the above factum, the petitioner has instituted CRM-25216-2022, wherein an allegation is raised against Inspector Randhir Singh Bhullar, in respect of his demanding a sum of Rs. 5 lacs, from the petitioner to hold the inquiry into the petition FIR. Moreover, through another CRM-M-25217-2022 the leave of this Court is sought to implead the above, in the array of co-respondents.

6. The allegation, as, made against Inspector Randhir Singh Bhullar, qua his demanding Rs.5 lacs, from the petitioner for holding an inquiry, is bald, as apart from the above bald averment in the petition, there is no supporting thereto any credible evidence, and, as such, this Court does not impute any credence thereto nor orders, for his being arrayed, as a co-respondent in the instant petition.

7. Be that as it may, yet to inspire confidence in the investigations, which are underway in the petition FIR, it is deemed fit, and, appropriate to yet make a direction on co-respondent No.4, to ensure that investigations into the petition FIR are hereafter conducted by a police officer not below the rank of DSP.

8. Moreover, co-respondent No.4, shall supervise the investigations into the petition FIR, and, shall ensure that, after the investigating officer concerned, hence establishing the legal capacity of one Nirmala Devi, to validly execute the power of attorney in favour of the accused concerned, and, if she had no valid capacity in the above regard, to thereafter record her statement, whereafter

he shall proceed to draw appropriate action, in accordance with law, against the accused concerned.

9. Moreover, the investigating officer concerned, shall during the course of his holding investigations into the petition FIR, locate the source wherefrom the forged non-judicial stamp papers whereons, the contents of the power of attorney became subscribed, rather became purchased, and, shall also recover, at the instance of all the concerned, the purportedly fabricated power of attorney, executed by one, Nirmala Devi, who is stated, at the bar, by the learned counsel for the petitioner, to be neither the lawful owner of the petition land, nor became lawfully capacitated to constitute any attorney for the relevant purpose.

10. For the location of the source of the non-judicial stamp papers, besides for the recovery of the power of attorney, it is open to the investigating officer concerned, to draw such lawful action, as deemed fit.

11. The official respondents may also consider to, as, and, when they are re-coursed, to provide security to the the lives, and, property of the petitioner.

12. Disposed of with the above observations.

13. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

02.08.2022

ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No