

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-37117-2020 (O&M)

Date of decision: 08.12.2022

SUNDER BHARADWAJ

....Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

Mr. Ashish Sanghi, Advocate
for respondent No.5.

AMAN CHAUDHARY. J.

Present petition has been filed for issuance of directions to respondent Nos.2 to 4 to conduct fair and impartial investigation of the case FIR No.307 dated 06.07.2020 under Sections 120-B, 406, 408, 420 IPC registered at Police Station City Palwal, District Palwal.

Notice of motion in this case was issued on 11.11.2020, pursuant thereto reply dated 19.02.2021 by way of affidavit of Mahabir Singh, Deputy Superintendent of Police, State Crime Branch Faridabad has been filed. Learend State counsel makes a reference to para 6 thereof, which reads thus:-

“6. That after receiving the investigation the state Crime Branch Faridabad has investigated the matter thoroughly and during the course of Investigation the matter involved in the present case was found of civil nature. The gist of the investigation is reproduced below for the kind perusal of this Hon'ble court:

"During the course of Investigation it was found that the petitioners were made conditional Trustee wide trust deed dated 24/11/2017 to improve the financial condition of the trust. In this regard the petitioners furnished their duly sworn affidavit by the which they stated that to remove the NPA they

will deposit rupees 3 crores in the bank account of the school. Despite of that none of the petitioner deposited single penny in the bank account, rather the continuously remained involved in the activities against trust and school. In this case by the investigation and record it was found that the accounts of the trust are being audited every year and scrutinized by the Income Tax Department also. By the audit and by Income Tax Department never found embezzlement in the account. During the course of Investigation both the parties join the investigation and during the course of Investigation it was found that Harish Chand gave rupees two crores on 28-6-2016. As per the statement of Harish chand, he gave Rupees as debt and Sunder, as per his statement gave rupees 10 laks through bank on 10-06-2014. Both these persons gave the amount prior to the registration of new trust. Though new trustee were made trustee on 24-11-2017. As per the conditional deed dated 24/11/2017 the conditional trustees was to deposit Rupees three crores to run the trust properly, to take out the trust from the financial crisis, to gave strength to the trust and the take out the school from NPA. In this regards the complainant executed dully sworn affidavit dated 24/11/2017 before the executive magistrate and despite of the affidavit non of the new conditional trustees gave any kind of help. Despite of that Harish Chand Bhardwaj, Prabhu Dayal Sharma and Rama Shama and the complainant Sunder Bhardwaj did not deposit even a single penny to improve the financial condition of trust. They themselves disclosed this fact. Rather they continuously remain involve in the activities against school/ trust. Due to non deposition of any amount to improve the financial condition of the trust and due to remained involved in the activities against the school or trust Suresh Bhardwaj expelled new conditional trustee after adopting due course of law. Due to this enmity Sunder Bhardwaj got registered the present case. During the course of investigation it was found that with these facts Sunder Bhardwaj moved the complaint 896/PS Dated 20/06/2019 and 1005/PS dated 10/07/2019 in police station city Palwal, enquiry of the same was conducted by SHO police station city Palwal on 03/02/2020 and verified the investigation by deputy superintendent of police Palwal on 04/02/2020. During the course of investigation the matter was found of civil nature. As per the above said report Sh. Narender Bijarania IPS the Superintendent of Police Palwal Seen and filed the investigation. Thereafter the complainant again on the same facts moved the application to the new SP Sh. Deepak Gehlavat and then the present case was registered. On the same facts the complainant Sunder Bhardwaj filed petition before the Hon'ble Punjab and Haryana High court at Chandigarh bearing CRM-M-49132 of 2019. In this regards DSP Headquarter Palwal filed an Affidavit on 05/02/2020

before the Hon'ble Punjab and Haryana high court at Chandigarh, In his affidavit he disclosed that the matter was found of civil nature. In this regard the complainant also filed a civil petition of the civil court. Which is to be sub-judice before civil court Sh. Rajesh Kumar Yadav. In this case next date is 24/04/2021. The facts on which FIR was registered, petition was filed before the Punjab and Haryana high court and petition before the civil court are thus same. Regarding the above facts the complainant Sunder Bhardwaj filed petition bearing CRM-M- No.37117 of 2020 for the fare and soon investigation, which is pending for 24/02/2021. During the course of investigation no evidence was found against Suresh Bhardwaj, Sunita Bhardwaj, Shyam Sunder, Ram Avtar and Brijesh Kumar. All the Allegation leveled by the complainant in the FIR were found false. The matter was found of civil nature. The true translation of the inquiry report is annexed herewith as Annexure R-3.”

In view of the aforesaid, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

December 08, 2022

S.Sharma(syr)

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