

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1303 OF 2021

Amarjeet Singh Shri Sheesha Singh
Age: 48 years, Occu.: Business,
R/o Gurudwara Langar Sahib,
Nagina Ghat Road, Nanded

..PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary
Home Department,
Mantralaya, Mumbai
2. The Director General of Police
Maharashtra State, Mumbai
3. The District Collector,
Nanded
4. The Superintendent of Police,
Nanded
5. The Senior Police Inspector,
Vazirabad Police Station,
Nanded
6. Balwindar Singh Jeevan Singh
Age: 60 years, Occu.: Business and Seva,
R/o Gurudwara Langar Sahib,
Nagina Ghat Road, Nanded
7. Narinder Singh Sheesha Singh
Age: 63 years, Occu.: Business and Seva,
R/o Gurudwara Langar Sahib,
Nagina Ghat Road, Nanded
8. Central Bureau of Investigation
Through Superintendent of Police and
Head of Branch CBI Special Crime Branch,
Belapur, Navi Mumbai

9. Central Bureau of Investigation,
Through Joint Director, Zone-I CBI,
Bandra (East), Mumbai

..RESPONDENTS

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Mr. G.G. Kadam, Advocate for petitioner

Mr. R.V. Dasalkar, A.P.P. for respondent nos. 1 to 5

Mr. R.N. Dhorde, Senior Advocate i/b Mr. S.V. Bhopi, Advocate for
respondent nos.6 and 7

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CORAM : R.G. AVACHAT AND

SANJAY A. DESHMUKH, JJ

DATE : 18th AUGUST, 2023

PER COURT :

1. This petition, under Article 226 of the Constitution of India, has been filed for direction to the Central Bureau of Investigation (CBI) or any other independent agency of the Police Department of State of Maharashtra to make investigation of the crime committed against the petitioner and reported by one of his followers to the Superintendent of Police, Nanded on 27th August, 2021 and/or 16th October, 2021.

2. Facts giving rise to the present petition are as follows :-

The petitioner claims to be a *Bal Bramhachari*. He came to Gurudwara Langar Sahib, Nanded in the year 1987. The then *Mahant* of Gurudwara Langar Sahib - Sheesha Singhji adopted the petitioner as his child. He gave the petitioner duty of *Jathedar* and asked him to serve as head of *Sevadars* in 1990. *Mahant* Sheesha Singhji passed away in 2005. After his

demise, the *Gurugaddi* was inherited by *Mahant* Narinder Singh – Respondent No.7. He gave the petitioner duty to look after the legal department and even property matters. Even in the year 2014-15 both, *Mahant* Narinder Singh and Balwandar Singh (Respondent No.6) executed a power of attorney in the name of the petitioner authorising him to represent Gurudwara Langar Sahib in very many matters. As such, both these respondents had deposed complete faith in the petitioner. He even opened up a firm in the name of Shri Gobind Singh for providing building materials etc. Considering pious and religious activities of the petitioner, he was awarded with various citations/awards. Government of Maharashtra appointed him as a Member of Managing Committee of Shri Guru Gobind Singh Engineering College, Vishnupuri in 2017.

3. It is the case of the petitioner that since he gained popularity in the society, both Respondent Nos. 6 and 7 have become invidious of him. They forced him to leave the duty allotted to him. The petitioner was threatened by them of dire consequences and even threats to his life. He was robbed of cash of Rs.7 lakhs, gold ornaments, laptop and a licensed pistol as well. The petitioner was kidnapped and even confined/detained in one of the rooms of Gurudwara Langar Sahib. He was only allowed to go to *langar*. He was not allowed to be a free man. Men of Respondent Nos.6 and 7 would follow him everywhere. The petitioner was compelled to sign “*Kubulnama*”

on 05th March, 2021. He was brought to Vazirabad Police Station and made to surrender his licensed pistol and compelled to leave Nanded for Punjab. It has also been alleged that the petitioner was given electric shocks. He was starved as well. One of his followers, therefore, lodged the complaint on 27th August, 2021. Alongwith the said report, a medical report of the petitioner has been submitted.

4. Learned counsel for the petitioner would submit that without registration of the crime, police authorities made enquiry into the matter and gave clean chit to Respondent Nos. 6, 7 and others. According to him, the Constitutional Bench judgment of the Apex Court in case of **Lalita Kumari Vs. Government of U.P. and Others (2014) 2 SCC 1**, mandate that once the report disclosed commission of a cognizable offence, the police station officer is under obligation to register a crime and make investigation thereof. Relying on another judgment of the Apex Court in case of **Ramesh Kumari Vs. State (N.C.T. of Delhi) and Others AIR 2006 SC 1322**, he would submit that this Court is not powerless to direct the CBI to make investigation into the crime committed against the petitioner. According to learned counsel, the petitioner is unable to enter Nanded city to approach the concerned Court of Judicial Magistrate First Class to do the needful. He adverted our attention to the “*Kubulnama*” and submitted that it was obtained under duress. The Police Officer of Vazirabad Police Station and even the then Superintendent

of Police, Nanded were hand in gloves with the culprits. The Nanded police have made enquiry into the matter without registration of the crime. The same is illegal in the face of Apex Court's judgment in Lalita Kumari's (supra) case. The certificates and citations issued in the name of the petitioner in recognition of his social services have also been adverted to with an ultimate prayer for grant of this petition with a direction to CBI to make enquiry into the matter on registration of the crime. Learned counsel would further submit that the petitioner is ready to undergo narco or lie detector test. The Court may even direct that if the report lodged by the petitioner is turned out to be false, the petitioner would be liable to face any consequence the Court may desire to impose.

5. Learned A.P.P. would, on the other hand, submit that the matter was thoroughly enquired into. The statements of the persons acquainted with the facts and circumstances of the case have been recorded. No offence as is found to have been committed by anyone against the petitioner herein. Papers of the enquiry have been placed on record.

6. Since Respondent Nos.6 and 7, the proposed accused have been made parties to this petition by the petitioner himself, we also gave them hearing. During the submissions made on their behalf certain facts have been informed. Such as, the petitioner to have been prima facie indulged in illegal

activities. He was, therefore, removed from his post. We do not propose to dwell at length on the submissions made by learned counsel for these respondents. The same may mar the petitioner's right either to lodge a private complaint or seek relief under Section 156(3) of the Code of Criminal Procedure ('Cr.P.C.').

7. The record indicates that all was well with the petitioner for long. He came to Nanded in 1987. The then *Mahant* of Gurudwara Langar Sahib – Sheesha Singhji adopted him and lateron appointed him as *Jathedar*. He was even made head of *Sevadars*. Even on demise of *Mahant* Sheesha Singhji, the petitioner continued to manage the affairs of Gurudwara Langar Sahib. Even during the tenure of Respondent Nos.6 and 7, who had infact executed a power of attorney in favour of the petitioner authorising him to represent them in all departments, civil and criminal Courts, High Court, Supreme Court and other authorities. He was even authorised to compromise /compound/ withdraw the cases. The same suggests the petitioner was a confident of Respondent Nos. 6 and 7. It however appears that lateron the petitioner indulged in some nefarious activities. An agricultural land in Gut No. 163 was purchased in the name of one Ajit Singh in February 2005. Lateron the petitioner appears to have been given an application to the revenue authorities contending that the purchaser was not Ajit Singh but it was Amarjeet Singh (petitioner himself). He, therefore, got his name

recorded in the revenue record of the said land purchased for Gurudwara Langar Sahib. Respondent Nos.6 and 7 on having been realised the same, moved the revenue authorities and got the revenue record set right. The said mutation entry was effected after giving notice to all the concerned, necessarily including the petitioner herein. The petitioner was even provided with a licensed pistol. It appears that he surrendered the same at Vazirabad Police Station before leaving Nanded. The same was necessary since the license pertains for State of Maharashtra only. It is true that the contents of "Kubulnama" indicate that the petitioner might not have on his own executed the same. He might have been compelled to execute the same. The fact however, remains that the petitioner, who was initially a confident of the management of Gurudwara Langar Sahib fell from grace and subsequent events happened. In the petition itself it has been averred that the petitioner has very many followers and well wishers (paragraph no.7) at Nanded. While during submissions made before us, learned counsel would submit that no one is with him. The petitioner is even unable to enter Nanded city. Learned A.P.P. also brought to our notice statements of some of the persons suggesting that no crime as has been alleged by the petitioner, to have been committed against him.

8. We, therefore, found it to be not a fit case either to direct the CBI or CID to register the crime and investigate the same. In our view, the

petition is liable to be dismissed leaving the petitioner to his discretion to have recourse either to a remedy under Section 156(3) of Cr.P.C. or lodge a complaint, if so advised. With the aforesaid observation, criminal writ petition stands disposed of.

9. Observation made hereinabove are prima facie in nature. If the petitioner files an application for order under Section 156(3) of Cr.P.C. or complaint, the same be dealt with on it's merits.

SSD (SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)