

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

129

CWP-8688-2023
Date of Decision: 26.04.2023

SOHAN SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition raises a challenge to the report dated 04.01.2023 (Annexure P-6) submitted by Sub Divisional Magistrate, East Ludhiana and the order dated 13.03.2023 (Annexure P-7), whereby respondent No.2 – Deputy Commissioner, Ludhiana has sent the abovesaid report to the office of A.I.G. Crime, Bureau of Investigation, Punjab, Chandigarh.

Learned counsel for the petitioner contends that there is a dispute qua the property of Gurdial Singh @ Dayal Singh- the grandfather of the petitioner, who executed a registered Will dated 24.12.1992 in favour of the petitioner and thereafter died in the year 1994. His power of attorney namely Rajender Singh executed a sale deed with respect to the aforesaid property after demise of his grandfather. Since such alienation of property was invalid, a civil suit has already been instituted by the petitioner, wherein he has placed reliance on a registered Will dated 24.12.1992 executed in his favour by his grandfather Gurdial Singh @ Dayal Singh. He contends that an issue has already been framed

by the Civil Court regarding the legality, validity and legitimacy of the Will executed in favour of the petitioner.

He contends that in order to wriggle out of the civil complications, the proceedings were instituted at the behest of the defendants before the Deputy Commissioner-cum-Registrar, Ludhiana, whereupon an inquiry was ordered to be conducted. The Sub Divisional Magistrate has returned an inquiry report (Annexure P-6) dated 04.01.2023, wherein he has expressed a *prima facie* opinion against the legality of the above said Will. He contends that the said report is not based on the correct appreciation of the facts and that the petitioner was never associated by the Inquiry Officer at the time of the said inquiry. He further contends that the original Will and other necessary documents are in the possession of the petitioner and by not having referred to the same, the legality and validity of the Will could not have been commented upon.

He contends that since the matter has been referred to Bureau of Investigation, he would be satisfied in case a direction is issued to the concerned Authorities to also take into consideration all such documents as may be relied upon by the petitioner to substantiate his case before taking any action against him.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of the respondents No.1 to 3 and 5.

In view of the order which this Court proposes to pass, serving of notice on the complainant-respondent No.4 - Jaswinder Singh is dispensed with at this juncture.

Learned State Counsel has no objection to referring to the material that may be so produced by the petitioner, during the course of

inquiry/investigation on the reference made by the office of the Deputy Commissioner, Ludhiana to the Bureau of Investigation.

Accordingly, the present petition is disposed of, without expressing any opinion on merits of the present case, with a liberty to the petitioner to submit his documents/evidence to the Bureau of Investigation and that upon submission of any such material, the Bureau of Investigation shall duly inquire into the said evidence in order to determine the culpability of the parties.

Present petition stands disposed of accordingly.

26.04.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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