

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

**CRM-M-50332-2022
DECIDED ON: 10.02.2023**

JAI CHAND

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C., for issuance of directions to the official respondents to conduct a fair and proper investigation in case FIR No.31, dated 21.01.2022, under Sections 406, 409, 420, 467, 468, 471, 506 and 120-B of the IPC, registered at Police Station Chhappar, District Yamuna Nagar.

Today, status report by way of an affidavit of Parmod Kumar HPS, Deputy Superintendent of Police, Yamuna Nagar, has been filed on behalf of the respondents-State, which is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner today in Court.

The relevant para Nos.4 to 6 of the status report reads as under:-

“4. That in view of the aforesaid order dt. 11-01-2023, it is submitted that Sh. Guldev Kumar, Deputy District Attorney, Yamuna Nagar had submitted his Legal Opinion dt. 30-01-2023, agreed by the District Attorney, Yamuna

Nagar, that "I have gone through the case file and as per facts of the case that Sh. Karnail Singh solemnized marriage with Raj Rani and out of this wedlock two sons namely David and Harjinder Singh were born but as per agreement dated 23-05-1997 and some other documents in which it was stated that Karnail Singh solemnized marriage with Raj Rani in the year of 1991 and two sons namely Dimple and Raj Kamal were born out of this wedlock. Therefore, both the facts are contradictory which needs clarification"

5- That in view of above Legal Opinion dt. 30-01-2023, verification with regard to the names of David and Harjinder Singh was made. On verification, it was found that the family members and villagers used to call David as Raj Kamal and Harjinder Singh as Dimple in their childhood. So, with this clarification, request was made to Sh. Guldev Kumar, Deputy District Attorney, Yamuna Nagar to submit his legal opinion accordingly. Thereafter, Sh. Guldev Kumar, Deputy District Attorney, Yamuna Nagar submitted his following Legal Opinion dt. 03-02-2023.

"After objection raised by the undersigned, The Investigation Officer recorded the statement of Ram Sarup, Ninha Ram, Wahid and Saorj Bala all residents of Village Hargarh who stated that David

and Harjinder Singh are only sons of late Karnail Singh and in childhood they were called as Dimple and Raj Kamal. Report of the SHO, P.S. Chhappar is also perused who stated that David and Harjinder Singh are only sons of late Karnail Singh.

As per facts of the case, Jai Chand have four sons including Late Karnail Singh. Further, Karnail Singh has two sons namely David and Harjinder Singh. Therefore, after the death of Karnail Singh, his sons David, Harjinder Singh and his wife become the legal heirs of the property of Karnail Singh being legal heirs of the property of Karnail Singh. All properties shall be automatically goes to them as they inherited the property from his father Karnail Singh. Moreover, mother cannot sold the share of her minor sons without taking order from the competent Court.

However, this opinion may not be made part of investigation because it is internal administrative matter between the departments.”

6- That it is further submitted that in view of above, legal opinion of District Attorney, cancellation report has been prepared in the present case it shall be submitted after getting necessary approval from the higher police officers.”

Having perused the aforesaid status report, it is evident that after obtaining the legal opinion from the District Attorney, cancellation report has been prepared, which shall be submitted to Court after getting necessary approval from competent authorities.

In view of the said fact, the grievance raised by the petitioner in the instant petition stands addressed, wherein the inquiry is complete and now the petitioner is left with a fresh cause of action to take appropriate remedy in accordance with law before the appropriate forum.

Disposed of in aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.02.2023

Poonam Negi

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