

2024:PHHC:129338



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

237

CWP-15895-2024 (O&M).
Date of Decision: 27.09.2024.

RAJESH GIRDHAR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.
Ms. Niharika Sharma, AAG, Punjab,
for respondents No.1 to 4 assisted by
ASI Rakesh Kumar, 1494, Police Station, Mullanpur Garibdas,
S.A.S. Nagar, Mohali.

VINOD S. BHARDWAJ, J. (ORAL)

1 Prayer in the present petition was against the recurring applications that were being filed against the non-consideration of the representations submitted by the petitioner seeking expunction of his name from case FIR No.0123, under Sections 420, 467, 468, 471, 472 and 120 B of the Indian Penal Code, 1860, registered at Police Station Mullanpur,

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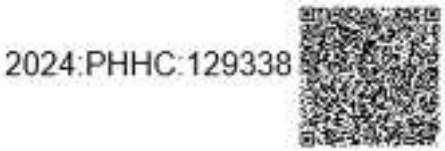
District S.A. S. Nagar, Mohali, with a further prayer to take action against respondent No.6 who has falsely named the petitioner as an accused in the instant FIR. A further prayer for seeking compensation for causing loss to the reputation of the petitioner has also been made.

2 Pursuant to the order passed by this Court on 12.07.2024, a status report by way of affidavit of Mohit Aggarwal, the Deputy Superintendent of Police, S.A.S. Nagar, Mohali, on behalf of respondents no.1 to 4 has been filed in the Court today. A copy thereof has been supplied to the learned counsel for the petitioner. The relevant extract of the aforesaid reply reads thus:-

“3. That briefly, the Petitioner herein was named as an accused in FIR No. 123, dated 19.11.2022 under Section 420, 467, 468, 471, 4728 120-B of IPC, Police Station Mullanpur, District SAS Nagar was registered on the complaint of Karamjit Singh. The allegations in the FIR is that forged consent letters of the land owners were prepared by the Colonizer/Society to obtain change of land use and license for development of a Real Estate.

4. That besides the Petitioner-Rajesh, the other persons initially named as accused in the aforesaid FIR are as under:-

- i. Suresh Kumar Bajaj,*
- ii. Ashish Kamra,*
- iii. Ajay Sehgal*



5. That the main case CRWP-9767 of 2022 was initially dismissed by Hon'ble Single Bench of this Hon'ble Court. The Petitioner challenged the dismissal order before the Hon'ble Supreme Court vide (Crl. No.592 of 2023) and the Hon'ble Supreme Court was pleased to remit the matter to this Hon'ble Court with a direction that the matter be heard by a Division Bench. A true copy of the order dated 03.05.2024 passed by the Hon'ble Supreme Court is annexed herewith as Annexure R-1.

xxx xxx xxx

7. That it is pertinent to mention here that in the present case Special Investigation Team (SIT) was constituted vide order No. 1519-21/5A/CR/SSP dated 15.06.2024 by the then Senior Superintendent of Police, SAS Nagar consisting of Deputy Superintendent of Police, Sub-Division Kharar-2 i.e. deponent and Station House Officer, Police Station Mullanpur Garibdass as a member.

8. That the status of the accused persons in the ongoing investigation process is as under: -

S.	Accused	Status
1	Ajay Sehgal	He was arrested on 11.07.2024 and has been interrogated for 04 days during the police remand. Thereafter, he was sent to Judicial custody on 16.07.2024 and he remained confined in New Jail, Nabha. However, on 30.07.2024, his regular bail application was allowed by the concerned Illaqa Magistrate.

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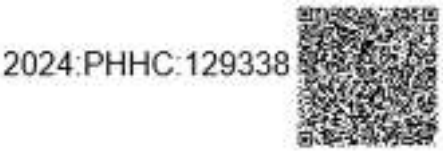


		<i>Applications had been filed for cancellation of his bail both by the State as well as the Complainants. Both the applications were listed before the Learned Additional Sessions Judge, SAS Nagar, Mohali for final hearing on 03.09.2024 and 04.09.2024 and after hearing all the parties, both the revision petitions was allowed on dated 18.09.2024 against impugned order dated 30.07.2024. Also vide request letter dated 04.09.2024 issuance of look out circular was requested and the request has been accepted and look out circular has been issued.</i>
2	<i>Suresh Kumar Bajaj</i>	<i>He filed an anticipatory bail application, which was dismissed by the Learned Court of Additional Sessions Judge, SAS Nagar, Mohali on 14.08.2024. Thereafter, he preferred anticipatory bail application before this Hon'ble Court vide CRM-M-41190 of 2024 and the same has also been dismissed by this Hon'ble Court.</i> <i>Insofar as, the status of P.O. proceedings against him is concerned, after completion of 30 days period, the statement of ASI Gurnam Singh has</i>

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		<i>been recorded in compliance of the mandate of Section 82/83 Cr.P.C., 1973 and formal order as regards declaration of proclaimed offender is awaited.</i>
3	<i>Rajesh Girdhar (Petitioner)</i>	<i>He had obtained interim order dated 12.07.2024 from this Hon'ble Court against execution of the arrest warrants on the ground that he had resigned from the Society/Company way back in the year 2011 (CWP-15895-2024 titled as "Rajesh Girdhar Vs. State of Punjab and others). The contentions raised on behalf of Rajesh Girdhar are still subject matter of investigation and appropriate decision would be taken after considering all the documents on record.</i> <i>It is submitted that certified copy of his resignation letter dated 04.06.2011 has been obtained from the office of Assistant Registrar, Cooperative Societies, SAS Nagar, Mohali, which prima-facie indicate that he did resign on 04.06.2011 as Treasurer, "The Indian Cooperative Housing Building Society.</i>
4	<i>Ashish Kamra</i>	<i>He had died even before registration of FIR but this fact came subsequently.</i>



5	Manvinder Singh	He is the Notary Public, who had attested the consent letters alleged to have been forged. He has been nominated in the FIR for the reason that despite repeated notices, he could not produce the registers for the relevant period. He has been nominated vide DDR No.06 dated 06.09.2024 and efforts are being made to arrest him.
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9. That it is submitted that in regard to resignation letter dated 04.06.2011 submitted by the Petitioner, a true copy thereof was obtained from the office of Assistant Registrar, Cooperative Societies, SAS Nagar, Mohali, which prima-facie indicates that he tendered resignation on 04.06.2011 as Treasurer of "The Indian Cooperative Housing Building Society". A true copy of the response dated 27.08.2024 received from the office of Assistant Registrar, Cooperative Societies, SAS Nagar, Mohali is annexed herewith as Annexure R-2.

10. That as per investigation carried out so far, the alleged fake consent letters were obtained/executed in the year 2014 onwards and the change of land use based on these consent letters were obtained on 03.06.2016.

11. That in furtherance to the above said communication received from the Assistant Registrar, Cooperative Societies, SAS Nagar, Mohali again letter has been written to the Assistant Registrar, Cooperative Societies, SAS Nagar, Mohali

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through No. 1284/5A/ PSMLP dated 06.09.2024, whereby the clarification has been asked in regard to the following points:-

I. When the Indian Co-operative Housing Building Society registered and how many members was were there?

II. Who can become/join the committee/society?

III. That if a resolution is passed by the committee / society, how many members are required for passing of the said resolution?

IV. That who can raise an issue in the committee and the Resolution can be passed by whom?

V. That if at the time of passing of resolution, if any person is appointed in the committee or his resignation is accepted, then information in this regard is conveyed to whom?

VI. What are the rules/instructions of the committee?

VII. Was the information regarding the resignation of Rajesh Girdhar was given in your office or not, if given record be supplied.

VIII. The resignation of Rajesh Girdhar has been accepted as per rules?

A true copy of the letter dated 06.09.2024 written to Assistant Registrar, Cooperative Societies, SAS Nagar, Mohali is annexed herewith as Annexure R-3.

12. That it is submitted that information in regard to the above-said queries was supplied by the Assistant Registrar, Cooperative Societies, SAS Nagar, Mohali and now the same is being considered as part of ongoing investigation process. A

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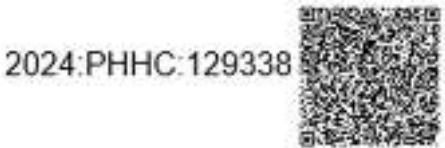
true copy of the response dated 17.09.2024 received from the office of Registrar, Cooperative Societies, SAS Nagar, Mohali is annexed herewith as Annexure R-4.”

3 Learned State counsel, on instructions from ASI Rakesh Kumar, 1494, Police Station, Mullanpur Garibdas, S.A.S. Nagar, Mohali, submits that the averments of the petitioner with respect to his resignation from the Indian Cooperative House Building Society on 4.06.2011 has been verified and the same has been found to be accepted as per law. She, however, contends that investigation against the other accused persons is still pending.

4 The aforesaid statement of the learned State counsel is accepted.

5 Having heard the learned counsel for the petitioner as well as the learned State counsel and also going through the documents placed on record as well as the statement made today in the Court, it emerges out that the investigating agency has already found that the petitioner was not involved in the affairs of the Indian Cooperative House Building Society after 04.06.2011 and that he has no role in any further activities that had been undertaken by the Governing Body of the said Society.

6 In view of the aforesaid statement, the grievance of the petitioner stands redressed at this stage. The respondent-State, however, shall abide by the investigation conducted so far and take appropriate action



against the persons who were found involved or have been submitting false complaints against the petitioner.

7 The petition stands disposed of accordingly.

September 27, 2024

raj arora

Whether speaking/reasoned

Whether reportable

(VINOD S. BHARDWAJ)

JUDGE

: Yes/No

: Yes/No