

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-11740-2023
Date of decision : 24.01.2024

Pritpal Singh @ Dalli Petitioner

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rohan Garg, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Article 226 of the Constitution of India for issuance of appropriate order directing respondents No.1 and 2 to protect the life and liberty of the petitioners.
2. Status report by way of affidavit of Harsimran Singh Bal, PPS, Deputy Superintendent of Police, City-2, SAS Nagar on behalf of respondents-State has been filed. The same narrates shocking tale of how property of NRI is being usurped by allegedly forging the documents including the Will etc. The tale has been narrated by the Enquiry Officer which reads as under:-

“i. It has been found that the real Avtar Singh, who was real brother of Narinder Singh Loachab (the complainant), had died in a road accident at Kenya on 25.09.1976. Whereas the present petitioner is relying upon Death Certificate dated 21.01.2020(Annexure P-1) issued by Local Registrar,

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Municipal Council Mansa, in which date of death of Avtar Singh son of Ghumand Singh is mentioned as 17.01.2020.

ii. During enquiry, it has been found that as per the record of Local Registrar, Birth/Death, Municipal Council Mansa, the information regarding the death of (fake) Avtar Singh was given by none other than Pritpal Singh son of Rajmohinder Singh i.e. the present Petitioner. The aforesaid facts show the complicity of the present Petitioner in the crime as mentioned in the aforesaid complaint.

iii. During Enquiry, the voter list of Ward No. 15, Mansa was also got checked as the Death Certificate dated 21.01.2020 (Annexure P-1), mentioned address of deceased Avtar Singh as Ward No. 15, Mansa. However, it came forth that there is no person with the name of Avtar Singh son of Ghumand Singh in the Voter List of Ward No. 15, Mansa.

iv. The Petitioner in para no.3 (ii) of the instant petition has mentioned that the Narinder Singh had died intestate, hence Avtar Singh being a Class II legal heir, became owner in possession of the entire land. Whereas, during enquiry, it has been duly verified that the aforesaid Narinder Singh (the Complainant), who is owner of the land in question, is very much alive. The aforementioned Narinder Singh (the complainant) is an NRI and has been permanently settled at Kenya.

v. In the instant petition, the Petitioner has shown the Will dated 19.12.2019 (Annexure P-2), to be executed by Avtar Singh in favour of the present Petitioner. Whereas, it has come on record during enquiry that the real Avtar Singh had died way back on 25.09.1976 at Kenya and the aforesaid Will dated

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19.12.2019 is nothing but a forged document to grab the land in question. The true copy of the original Death Certificate of Avtar Singh dated 07.05.2008 is annexed herewith as **Annexure R-1**.

vi. During enquiry, it has also come to light that previously, some fraudsters had attempted to grab the land in question being owned by the complainant Narinder Singh and Avtar Singh (now inherited by the legal heirs of Avtar Singh), for which an FIR No. 358 dated 04.11.2019 had been registered under section 419, 420, 465, 467, 468, 471, 120-B IPC at Police Station Sohana, District SAS Nagar against one Dayal Singh on the statement of the complainant Narinder Singh Lochab. During investigation of the aforesaid FIR, the attesting witness of Sale Deed dated 06.09.2018, namely Balvir Singh had produced one death certificate of Narinder Singh (the complainant). The aforesaid Death Certificate dated 26.12.1989 shows the date of death of the aforementioned Narinder Singh son of Ghumand Singh (the complainant) as 23.12.1989. It is pertinent to mention here that during investigation of the aforesaid FIR, the aforementioned Death Certificate dated 26.12.1989 was found to be fake and false.

vii. During preliminary enquiry of the complaint, it has also come forth that the aforementioned Dayal Singh had been missing from his Village Bhinder Khurd since the year 2019 and the grandson of Dayal Singh had also informed the police about the same, but till date there is no clue about the whereabouts of Dayal Singh. During enquiry, it has also come forth that forged Aadhar Card was prepared in the name of Avtar Singh son of Ghunand Singh, resident of Gurudwara Nirmotgang, Hardo Namoh, Rupanagar

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Gardley, Punjab by affixing the photograph of Dayal Singh. The same forged Aadhar Card was used for grabbing the land in question owned by the complainant and legal heirs of Avtar Singh by accused persons.

viii. During enquiry, it has also come forth that there is one another Death Certificate got issued in the name of Avtar Singh son of Ghumand Singh, showing his date of death as 24.09.2020, Address as of Village Saron, Permanent Address as Village Isapur, Tehsil Samrala, District Ludhiana. The aforesaid Death Certificate got registered on 30.09.2020 from the office of Sub Registrar, Sub-Centre, Saron, District Sangrur. The true copy of the Death Certificate of Avtar Singh issued on 30.09.2020 is annexed herewith as **Annexure R-2**.

3. Thus from above, it is evident that the present petition is also part of the design to abuse the process of law.
4. Resultantly, the present petition is dismissed with cost of Rs.25,000/- to be deposited with PGIMER Poor Patients’ Welfare Fund.

(PANKAJ JAIN)
JUDGE

24.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No