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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 908/2023, CRL.M.A. 8174/2023 & CRL.M.A.

13564/2023

BALJINDER SINGH MALIA

.....Petitioner

Through: Mr. Vikram Singh, Ms. Yashika
Verma and Mr. Ghanisht Bageria,
Advocates.

versus

STATE OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC (Crl.) for
State with Ms. Charu Sharma, Mr.
Arjit Sharma, Mr. Vaibhav Vats and
Mr. Nikunj Bindal, Advs.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

15.10.2024

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1. By way of present petition, the petitioner seeks directions, *inter alia*, for transferring the investigation from P.S. Janakpuri to an independent agency in a case arising out of FIR No. 231/2022 registered under Sections 406/420/468/471/34/120B IPC at P.S. Rajouri Garden, Delhi.
2. The present FIR came to be registered in compliance with the directions of the learned Judicial Magistrate under Section 156(3) Cr.P.C. vide order dated 31.01.2022 and on the complaint filed by the petitioner herein. The petitioner/complainant alleged in his complaint that one *Ms. Jasmohinder Singh* in connivance with the other co-accused persons fraudulently took over the charge of *Little Angel Public School Society Regd.* (hereinafter, '*the Society*') which runs a school, namely, *Lt. Col.*



Mehar Little Angels Sr. Sec. School (hereinafter, '*the School*'), and thereby misappropriated money. It is also alleged that the accused persons fraudulently removed the petitioner/complainant as well as other members from the *Col. Surit Singh Mehar Charitable Trust* (hereinafter, '*the Trust*') by way of forged documents and resultantly, one *Mrs. Manisha Sengar* fraudulently and unlawfully became the Managing Trustee of the Trust. Records reveal that subsequent to the registration of the present FIR, the investigation of the case was transferred to P.S. Janakpuri. Thereafter, the investigation was concluded and chargesheet was prepared under Sections 406/420/468/471/120B/34 IPC against five accused persons, namely, *Mrs. Jasmohinder Singh*, *Mrs. Manisha Sengar*, *Mr. Dilip Kumar Lal*, *Mr. Naveen Bharadwaj* and *Mr. Mahavir Sharma @ Parsad*.

3. The petitioner has approached this Court with a grievance that despite the FSL Report opining in favour of the commission of forgery by the accused persons, the investigation has not proceeded adequately and that the I.O. has failed to recover the original files/minutes/resolutions/notices of the Trust from the accused persons in a timely manner, as well as numerous other documents from relevant authorities including office of the SDM and Income Tax Department, hence, praying for a transfer in investigation.

4. In pursuance of directions by this Court vide order dated 28.03.2023, the chargesheet was not filed before the Trial Court, and deferred till the adjudication of the present writ petition. Subsequently, the investigation was re-transferred from P.S. Rajouri Garden to P.S. Janakpuri vide order dated 29.03.2023 with regard to the supplementary chargesheet.

5. Learned ASC (Crl.) for the State submits that certified copies of documents have already been obtained from the Income Tax Department,



including a list of members of the Trust dated 21.02.2012 which was found attached to the said documents. As per these documents, the name of the accused persons, *Manisha Sengar* and *Naveen Bharadwaj* were not found in the list of members. However, as per the documents filed by *Naveen Bharadwaj*, i.e., MoMs dated 05.01.2012, 07.02.2012, 21.09.2016 and 18.07.2018, both of the aforesaid accused persons have been shown to have participated in the said meetings, contrary to the documents received from the Income Tax office. It is also conceded that the signatures of *Smt. Sanjiwan Mehar* were found to be forged on the MoMs dated 21.09.2016 and 18.07.2018. Furthermore, it is submitted that original documents pertaining to the Society have also been obtained from SDM Rajouri Garden. It is informed that the accused *Naveen Bharadwaj* was subsequently arrested on 02.11.2023 and his disclosure statement was thereafter recorded, wherein he disclosed that the accused persons had forged multiple documents pertaining to the Society and the Trust, to obtain control over them and that the original files were in the custody of the co-accused persons. He also stated that the alleged forged documents were prepared by one *Shailender Gupta* and *Dilip Kumar Lal* on instructions from *Manisha Sengar* and *Jasmohinder Singh*. Learned ASC further submits that part of the original MoMs of the Society and other relevant documents have also been recovered at the instance of the accused, *Naveen Bharadwaj*. Resultantly, NBWs have also been issued against the accused persons, *Manisha Sengar*, *Dilip Kumar Lal* and *Mahavir Parshad* dated 09.11.2023. It is informed that the three aforesaid accused persons have been granted anticipatory bails by the learned Trial Court on 11.12.2023 and the co-accused, *Jasmohinder Singh* has also been granted anticipatory bail by the



learned Sessions Court vide order dated 22.12.2023, whereas the co-accused, *Naveen Bharadwaj* has been granted regular bail by the learned Sessions Court vide order dated 12.01.2024.

Learned ASC, on instructions from the I.O., further submits that all the relevant documents from the concerned authorities stand collected, including from the SDM, Bank, Income Tax Office etc, and that the chargesheet is ready to be filed. It is also submitted that the supplementary chargesheet will subsequently be filed in a timely manner, after further investigation of the accused persons on the aspect of siphoning and misappropriation of funds.

6. In view of the above submissions and statements of the learned ASC, and considering that the petitioner was aggrieved with regard to the non-collection of documents from the concerned authorities which already stand collected and the further fact that the chargesheet is ready to be filed against the accused persons, I find no grounds to interfere. Accordingly, the present petition is dismissed alongwith pending applications.

7. Needless to state, in case the petitioner is still aggrieved after filing of the chargesheet, his remedy to file a protest petition shall remain available to him in accordance with law.

MANOJ KUMAR OHRI, J

OCTOBER 15, 2024

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