

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16881-2025

Date of Decision: 27.03.2025

Honey Chahal

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sahil Gambhir, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J. (Oral)

(1). This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed by the petitioner seeking a direction to the respondents to take lawful action upon the representation dated 03.09.2024 (Annexure P1) and for taking free and fair investigation. Further prayer is sought for forming a Special Investigation Team headed by an Officer not below the rank of Inspector General of Police.

(2). Learned counsel for the petitioner submits that respondent No.4- Gurmeet Kaur who is Superintendent of Police posted at Ludhiana committed forgery at Faridkot and has wrongly shown adoption of petitioner's son Agam Pratap Singh at Gurudwara Baba Tilla Gurudwara Saab, Faridkot on 12.02.2020 by creating a false document in the form of an undated certificate referred as LR-1 and used the same before this Court in CRWP-8930-2022 which was disposed of vide order dated 28.08.2023 with a direction regarding ascertaining the authenticity of adoption in a time bound manner.

(3). It is averred that the petitioner and her husband, who is working at Cleveland Clinic Ohio, USA had filed a petition under the Guardian and

Wards Act in District Court, Chandigarh seeking custody of the child Agam Pratap Singh claiming themselves to be his biological parents and natural guardian, as no adoption ever took place in favour of respondent No.4.

(4). Learned counsel vehemently argued that the respondent No.4 being a senior police officer has misused her position and prepared a forged document regarding adoption (Annexure P2) and due to her being at such high position in the police department itself, no FIR is being lodged against respondent No.4 despite their representation dated 21.08.2023 (Annexure P3) made to Senior Superintendent of Police, Faridkot.

(5). Notice of motion. Mr. Jaspal Singh Guru, AAG Punjab accepts notice and submits that the matter was enquired into and as per the investigation report of SP (H/Q), Faridkot dated 14.03.2024 which is based upon the report dated 20.02.2024 of the Assistant District Attorney as well as statements of witnesses annexed by the petitioner as Annexure P4, the relevant portion of which is reproduced as under:-

“...I have examined the file with regard to above said application. During the examination, following points as under:-

1. The dates of performing Akhand Path Sahib mentioned in the certificates produced by the applicant and record of Gurdwara Tilla Baba Farid Ji Faridkot are varying.

2. There are organizations of Tilla Baba Farid Religious and Charitable Society (Regd.) Faridkot Punjab (Registered No.445-A of 2005) and Gurdwara Godri Sahib Baba Farid Society (Regd.) Faridkot (Registered No.328-1982) in Faridkot. Neither this letter is issued by this organization nor any fact has come regarding the correctness of the same.

3. Both the parties have filed cases in the competent Courts regarding this matter, which are pending adjudication.

That there is reference in the above said points regarding the filing and pendency of cases in the competent Court. If the matter regarding points 1 and 2 is pending in the Hon'ble Court, then no appropriate action can be taken in this case at this stage. If approved, then appropriate order can be passed after scrutinizing the record.

Worthy S.S.P. Faridkot.

*Sd/-
(Pankaj Taneja)
Asstt. Distt. Attorney
Faridkot. 19/2/2024”*

(6). Upon investigation of the representation submitted by the petitioner by the SP(H) Faridkot and the legal opinion of the District Attorney, Faridkot, it has been found that both the parties have filed cases regarding custody of the child and the issue regarding validity of the certificate relied upon by the respondent No.4 is pending adjudication in Court, therefore, this Court does not deem it appropriate, at this stage, to direct the official respondents to register an FIR or to constitute SIT, as prayed for.

(7). Dismissed.

27.03.2025

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No