

2025:PHHC:066081



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

CRM M-16180 of 2025

Date of Decision: 12.05.2025

Davinder Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Simranjit Singh, Advocate, for the petitioner.

Mr. Ravneet Joshi, DAG, Punjab.

Mr. Jasraj Singh, Adv. for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S., 2023 with a prayer to grant anticipatory bail to him in case FIR No.167 dated 29.10.2024 registered under Sections 406, 420 and 120-B IPC at Police Station Mukerian, District Hoshiarpur.

2. The FIR in the present case was registered on the basis of the complaint submitted by the President and the Committee Members of Gurudwara Shri Guru Dashmesh Singh Sabha, Mukerian and the same has been reproduced below:-

“Complaint No. 631-PS, dated 01.08.2024, to the Senior Superintendent of Police, Hoshiarpur.

Subject: Complaint against Mangal Singh son of Mota Singh, his son Davinder Singh (8264181192) son of Mangal Singh, Daljit Singh (9988227574) son of Gurdial Singh and Gurvinder Singh (8837593789) son of Lakhvir Singh, all residents of Mohalla Tikhawal, Mukerian for committing cheating in pursuance of a conspiracy to the tune of Rs. 46,93,620/-from the Golak (donation box) and out of the donations given by the devotees to Gurudwara Shri Guru Dashmesh Singh Sabha (registered), Hajipur Road, Mukerian. Sir, it is submitted that my name is Tarlochan Singh son of Nirmal Singh, resident of Mohalla Tikhawal, Mukerian and I am president of the managing committee of Gurudwara Shri Guru Dashmesh Singh Sabha. I was elected as president by the devotees in the elections held 16.04.2024 in the general meeting under the supervision of religious propagation committee sent by Shri Akal Takhat Sahib, Amritsar and other office bearers were also elected and this election was duly approved by Jathedaar Sri Akal Takhat Sahib (copy of the letter is annexed herewith). Before me, Shri Varjinder Singh son of Sh. Sher Singh, resident of Mukerian was president of managing committee of above Gurudwara who was elected on 04.07.2023 by the devotees of gurdwara and accused Davinder Singh was elected as general secretary along with him, but before them accused Mangal Singh was the president of above committee from 01.04.2017 to 03.07.2023. Accused Gurvinder Singh was general secretary and accused Daljit Singh was treasurer during the time Mangal Singh was president of the committee. It is further submitted that

when Varjinder Singh was elected as president on 04.07.2023, the accused namely Mangal Singh etc, got elected his son Davinder Singh as general secretary in pursuance of a conspiracy because Mangal Singh etc. had committed embezzlement of money to the tune of lakhs of rupees of the committee of gurdwara Sahib so that nobody can get access to the record of the committee. After the new committee was selected on 04.07.2023, Mangal Singh etc. handed over the proceeding book/register, pass books of bank, cheque book, letter pad, receipt books, keys of donation box and computer room along with other important record to his son and newly elected general secretary namely Davinder Singh so that the record remain in the house of Mangal Singh only. It is pertinent to mention here that after Varjinder Singh was elected as president on 04.07.2023, he asked accused Mangal Singh, Baljit Singh and Gurvinder Singh to produce all the records, and documents and keys of the donation box for making an audit of the money and to hand over the charge but the above accused kept on delaying the same on one pretext or the other as they neither handed over the record nor made any audit. Accused Davinder Singh never kept any account of the money in presence of newly elected president Varjinder Singh and he used to keep with him the money donated by the devotees and the rent money collected from 22 shops of the gurdwara. Since accused Davinder Singh did not submit any audit of the money hence, president Varjinder Singh became suspicious of embezzlement of money by the accused in conspiracy with each other, therefore Sh. Narinder

Sharma Advocate, who was appointed as auditor by the committee was asked to submit an audit report regarding the incomes and expenditures of the committee and bank accounts from 01.04.2017 to 31.03.2023. Sh. Narinder Sharma Advocate submitted his detailed report (copy annexed) to the committee from which it was revealed that the accused had committed an embezzlement of Rs. 46,93,620/-in conspiracy with each other. Thereafter, I being president along with other members of the committee asked the above accused about this and asked them to submit a written reply but the above accused started to give abuses to me and other members of the committee and also, gave threats that we are at liberty to do whatever we can as they will not furnish any explanation. It is pertinent to mention here that we have already sent complete information of all this to SGPC, Amritsar. During the tenure of Mangal Singh, accused Davinder Singh along with other accused used to collect money from the devotees but has not given any account of the same. It is further submitted that accused Davinder Singh proclaims himself to be the president of Satkar Committee constituted by himself and in order to overawe the public he usually say that he is very notorious person having number of cases already registered against him in which no harm has been caused to him. Accused Davinder Singh usually give threats to the office bearers of the managing committee and devotees to kill them by posting such messages in the WhatsApp group created by the devotees of Gurdwara Shri Guru Dashmesh Singh Sabha. In case any harm is caused to me or any member of the managing committee

or there family members then in that eventuality accused Davinder Singh and other accused will be responsible for the same. It is therefore requested that an enquiry may kindly be got conducted through a senior officer into the embezzlement of Rs. 46,90,620/- from the money of gurdwara and necessary legal action be taken against the accused persons by registration of a case against them so that justice is done to the devotees. A copy of the above is being sent to the following for necessary action:

1. Jathedaar Shri Akala Takhat Sahib, 2. President, SGPC, Shri Amritsar, 3. Hon'ble Chief Justice, Punjab and Haryana High Court, 4. Chairman, Punjab State Human Rights Commission, Chandigarh and 5 D.I.G. Jalandhar Range, Jalandhar. Your sincerely Sd./ President, committee members and devotees”.

3. Learned counsel for the petitioner contends that the present FIR has been registered by the police under the political influence of Tarlochan Singh, President of the Gurudwara, without verifying the correctness of the allegations levelled in the FIR. He further contends that the FIR was registered against four persons, namely, Mangal Singh, Gurwinder Singh, Baljit Singh and the petitioner. The petitioner was shown as the general secretary of the Gurudwara Committee. He further contends that the entire FIR was based on an audit report, which was never supplied to the petitioner, despite the repeated requests. Even, Mangal Singh is the father of the petitioner and the petitioner has been falsely involved, simply to pressurize his father. Learned counsel further submits that the

petitioner was elected as secretary of the Gurudwara Committee, however, he had not made any payments to anyone. Learned counsel further submits that in the present case, the custodial interrogation of the petitioner would not be required.

4. Learned State counsel had filed a status report by way of an affidavit of the Deputy Superintendent of Police, Sub-Division Mukeria, District Hoshiarpur and the same was taken on record. Learned State counsel submits that as per the audit report, the petitioner was appointed as general secretary of the Gurudwara Committee and he conspired with Mangal Singh and had embezzled lakhs of rupees of the Committee. Even, an auditor was appointed and the record of the Committee was audited from 01.04.2017 to 31.03.2023 and a report was submitted. During the verification of accounts, it was found that the petitioner and other accused had embezzled a total amount of Rs. 46,93,620/-, and when the complainant inquired about the same, he was abused by the accused. Moreover, the allegations had been investigated by senior police officers and sufficient incriminating evidence was found against the petitioner. Even, no record was maintained with regard to the collection of amount through receipt books from the devotees and an amount of Rs.68,279/- was also embezzled by them.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner and other accused had embezzled Rs.44,18,620/- of Gurudwara Sahib. Apart from that, at the time of giving charge of the record of the Gurudwara Sahib, the petitioner and others did not give an amount of Rs. 3,16,484/-, which stood in the cash book in hand and Gurwinder Singh accused had also embezzled an amount of Rs.23,10,104/- of Gurudwara Sahib. The petitioner and other accused did not hand over the cash book, keys of computer room and two gas cylinders to the Committee of Gurudwara Sahib. Further, the custodial interrogation of the petitioner is required for the purpose of effecting the recovery of Rs.23,10,104/- and also to know the names of other persons, who might be involved in the crime. Moreover, the petitioner is a habitual offender and the following two cases were ordered to be registered against him:-

“(i). FIR No.38 dated 14.04.2020 U/s 153-A, 502(2), 115, 88, 54-DM Act P.S. Mukerian, District Hoshiarpur.
(ii). FIR No.50 dated 20.04.2021 U/s 295, 34 IPC and section 295-A, 153-A, 504 IPC and 27 IT Act P.S. Mukerian, District Hoshiarpur”.

7. Thus, keeping view the gravity of the matter and need for custodial interrogation of the petitioner, the present petition is ordered to be dismissed.

12.05.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No