IN THE COURT OF MS. SARABJEET KAUR, PCS,
JUDICIAL MAGISTRATE, IST CLASS, HOSHIARPUR.
(UID No.PB0620).

CIS No. : COMI-55-2023.
Date of Instt. : 10.04.2023
CNR No. : PBHO030027032023
Date of Decision: 21.08.2024

Satbir Singh son of Guljit Singh, H.No.B-11 MCH 751/2, Kamalpur, Jalandhar Road, Hoshiarpur.

.....Complainant.

VERSUS

1. Bhagat Hari Singh Charitable Trust/Hospital, Dadyal Saila Khurd, Tehsil Garhshankar, District Hoshiarpur.
2. Deepak Chaudhary son of Prem Dass, resident of H.No.174, Ward No.05, Street No.1, Shalimar Nagar, District Hoshiarpur.Bhagat Har
3. Shamsher Singh Bhardwaj, H. No.10, Arora Colony, Opp. Shani Mandir, Kakkon, District Hoshiarpur.
4. Balwinder Singh son of Sukhchain Singh, C/o Bhagat Hari Singh Charitable Trust/Hospital, VPO Dadyal Saila Khurd, Tehsil Garhshankar, District Hoshiarpur.

…….Accused.

Application under Section 156(3) of Cr.PC to issue directions to register FIR against the accused number 1 to 4 or any other appropriate strict legal action against the accused as the court may deem fit.

Present: Complainant with counsel Sh. Deepinder Singh Advocate.

ORDER:

1. Complainant has filed instant application U/S 156(3) of Cr.PC, contending that the complainant has come to know through the information available at official Website of E-Courts in public domain alongwith accused have themselves told him that that they

have written in the court against complainant. Accused No.1 to 4 have submitted one civil suit before the court against Satbir Singh and others titled as Bhagat Hari Singh Charitable Trust Vs. Deepinder Singh and others. The said civil suit has been filed by accused No.1 and submitted by Deepak Chaudhary who is clerk of Advocate Sandeep Kumar, Oath Commissioner at District Courts, Hoshiarpur. It is submitted that the accused have written wrong address of their own in the civil suit and the address of Deepak Chaudhary which is incomplete. It is wrongly mentioned in the civil suit that Bhagat Hari Singh Charitable Hospital is situated at Banga Road. The accused have concealed the fact from the Court that the complaint given by them to NRI wing is already concluded once and before conclusion, statement of both the parties were recorded and considered in the conclusion report, supporting documents and evidence was given by both the parties, the accused have concealed in their civil suit the copy of conclusion report in detail. It is submitted that this inquiry and documents were available with the accused and they have concealed this from the court. It is further submitted that the accused have concealed the fact that one application was moved by Satbir Singh complainant against the opposite party in Economic Offence Wing, Hoshiarpur, the conclusion report of which clearly states that fraud, cheating & criminal breach of trust is done by the some of the accused and other trustees against the complainant, hence both conclusion reports of EO Wing and NRI Wing have come in favour of

complainant Satbir Singh and this fact is not just concealed by the accused but misrepresentation is done by them in their civil suit in question before this Court. It is further submitted that accused have concealed this fact from the court and have given the misleading information in their civil suit that approximately 10 complaints were moved by some accused and other and they are concluded as on date, every conclusion report has come in favour of complainant. The accused have misrepresented before the court and given misleading information to the court in their civil suit in question for which the present application under Sec.156 (3) Cr.PC is being filed that conclusion reports of approximately 10 complaints have come in favour of complainant which were given by Gazetted Officers. It is further submitted that the accused have intentionally severally and repeatedly used defamatory and unparliamentary language for the complainant in their various complaints and statements. The complainant reserve his right to initiate civil and criminal proceedings against the accused for the same. Hence, all these documents which are very much relevant to the present issue are concealed by the accused and misrepresentation is done by the accused before this court. It is further submitted that the accused have given self made and forged documents in their civil suit against the complainant, given false, forged and self made documents to the court is an offence. These forged documents are simply a computer print outs bearing no signatures of any competent authority and do not bear any type of

attestation. The accused have given self made and simply typed false and forged documents which is shown by the accused to be whatsapp chat but there was no whatsapp chat between the parties like this. It is further submitted that misrepresentation is done by accused by putting false signatures of complainant Satbir Singh on few documents. These are not the real signatures of Satbir Singh and the court may compare both signatures in original one and the duplicate and false signatures put by the accused on the forged documents. The accused have got failed to present any competent document which is either attested by some competent authority or bearing original signatures of the complainant Satbir Singh. Having a view with an analytical eye will prove that misrepresentation is done by the accused not only once but repeatedly, severally and intentionally. That is why the accused have got failed to present even a single competent document. All the documents presented by the accused are simply a typed print outs bearing no signatures or attestation and the forged self made documents are presented by the court before the court. The accused have given false and forged bills and letter heads of bogus firms in the court by saying that they were given by the complainant to the said Trust. It is baseless and false sentence written by the accused and accused have done an offence of preparing false and forged documents in shape of letter heads of bogus firms and bills of bogus firms. The accused have done misrepresentation before this court by saying that any kind of land deal happened between both

parties. It is false and misleading statement given by the accused. It is further submitted that the false and forged documents presented by the accused do not bear any attestation or signatures of some competent authority but a one of the them bears fake signatures of the complainant. The accused have concealed all the documents in shape of conclusion reports and other documents pertaining to approximately 10 complaints moved by them before police authorities against the complaint. Now the question arises that why all these documents are concealed by the accused for their own civil suit. All the enquiries have come in favour of Satbir Singh. It is further submitted that one complaint was moved to NRI Wing Punjab Police against the complainant by Onkar Singh and others and one complaint was moved by complainant Satbir Singh before Economic Offence Wing, Hoshiarpur police against Onkar Singh and other trustees of the said hospital. These two conclusion reports were made by the Gazetted Officers of the police of two different districts i.e. Hoshiarpur and Jalandhar, both inquiry reports have come in favour of complainant. The complainant before NIR Wing bears endorsement of ADGP office & report of Economic Offence Wing, Hoshairpur bears endorsement of offence of DGP Punjab Police. Both reports the one made by NRI Wing Jalandhar police bearing a UID No.2193618 dated 18.11.2021 and another one made by Economic Offence Wing Hoshiarpur police on the complaint of Satbir Singh complainant State that Satbir Singh has to take his money from Onkar Singh and other trustees

of Bhagat Hari Singh Charitable Hospital, VPO Dadyal, Saila Khurd, Tehsil Garshankar, District Hoshiarpur. It is further submitted that Satbir Singh complainant has lost his hard earned money hence financial fraud, cheating with dishonest intention from beginning and criminal breach of trust is done against Satbir Singh by Onkar Singh and other trustees of Bhagat Hari Singh Charitable Hospital Trust, VPO Dadyal, Saila Khurd, Tehsil Garshankar, District Hoshairpur. The complainant has lost his heard earned money amounting to more than Rs.63 lacs which is to be paid by one of the accused Onkar Singh and other Trustees of the said Trust. As on date no FIR is pending against the complainant and there is no kind of proceedings of cheque bouncing are pending against the complainant or any of his family member. The complainant is responsible citizen with no legal liabilities. It is further submitted that complainant Satbir Singh had done some building work inside Bhagat Hari Singh Charitable Trust/Hospital and the said Trust and trustees including Onkar Singh and Raminder Sagoo and others have to make the payment to Satbir Singh complainant. Only partial payment was done by the accused and other trustees. The opposite party want to take away the hard earned money of complainant and want to avoid the payment to complainant. Accused No.1 to 4 are simply working on payment and commission basis with the said trustees. The overview of the present case and making of forged documents by them prove the same on analytical basis. Accused Shamsher Singh

Bhardwaj and Deepak Chaudhary are more responsible than anybody else for this whole misrepresentation and making false and forged documents which are presented before the Court. It is further submitted that in view of principal of natural justice and in view of the fact that accused have done all this intentionally and have committed multiple offences, action has been taken against the accused persons. Hence, the present complaint.

2. Vide order dated 10.04.2023 passed by Ld. Predecessor of this court, application U/S 156 (3) Cr.PC was treated as complaint.

3. In order to substantiate his allegations in preliminary evidence complainant got examined himself as CW-1, and reiterated the entire contents of his complaint. Therefore, the contents of the same are not being reproduced for the sake of brevity. He has also proved on record documents conclusion report Ex.CW1/A, ikrarnama submitted before Economic Offence Wing, Hoshiarpur Ex.CW1/B, report of commonly agreed Govt. Approved Surveyor Ex.CW1/C, copy of FIR No.94 dated 21.3.2023 Ex.CW1/D, certified copy of order of learned Chief Judicial Magistrate Ex.CW1/E and certified copy of status report Ex.CW1/F.

4. Complainant further examined ASI Madan Lal as CW-2 who deposed that he has brought the original record for complaint No.177-PD dated 13.01.2022 bearing UID No.2234673 and 124 PS dated 28.02.2022 with UID No.2261867 dated 28.02.2022. This

complaint was filed however, report was made in favour of Satbir Singh but complaint got filed after opinion of DA Legal. Then the matter came before Ld. CJM Court. He has checked the documents presented as Ex.CW1/A to Ex.CW1/C and Ex.CW1/D is copy of FIR. In this matter one complaint was given by Satbir Singh against Onkar Singh and others and other complaint was given by Raminder Sagoo, Onkar Singh and others to police as per the conclusion report the Raminder Sagoo and Onkar Singh have done fraud and cheating against Satbir Singh. The complaint of Raminder Sagoo and others is UID No.2193618 dated 18.11.2021. In this matter FIR is already registered in favour of Satbir Singh at PS City, FIR No.94 dated 21.03.2023 in the same connected matter. The report of EO Wing, Hoshiarpur in the same connected matter of UID No.2193618 has come in favour of Satbir Singh. FIR was got registered in favour of Satbir Singh after the orders of court of Ld. CJM Hoshiarpur.

5. Complainant further examined Sr. Ct. Manpreet Singh as CW-3 who deposed that he has brought original record (this record is called from office of ADGP NRI Wing, SAS Nagar) for complaint bearing UID No.2193618 dated 18.11.2021 with complainant name Raminder Saggu, Onkar Singh and others. It was given against Satbir Singh and Deepinder Singh both sons of Guljit Singh, Hoshiarpur. The original record bearing Mark CW1/2, Mark CW1/4 is checked and found correct. So the said documents are Ex.CW3/A, Ex.CW3/B. As per the conclusion

report of this particular complaint. The complaint got closed on dated 11.07.2022.

6. Further CW-4 ASI Rajinder Singh deposed that FIR No.94 dated 21.03.2023 under Sec.406, 420 IPC is registered against Onkar Singh, Malkit Singh, Surinder Kaur, Raminder Saggu and Deepak Chaudhary. The complainant name is Satbir Singh. The said FIR is under investigation at PS City, Hoshiarpur and is Ex.CW1/D.

7. Thereafter, Ld. Counsel for complainant closed preliminary evidence of complainant, vide separate statement.

8. I have heard ld. counsel for the complainant and perused the case file.

9. As is apparent, the complainant alleges the accused persons have submitted one civil suit before the court titled as Bhagat Hari Singh Charitable Trust Vs. Deepinder Singh and ors. and same is pending before the civil court. The grouse of the complainant arises from the fact that accused persons mis-guided and misrepresented the court and they have written wrong address in the civil suit and they have concealed the facts from the court that complaint given by them to NRI Wing is already concluded and all the documents are available with the accused but they have concealed this fact from the court. Accused persons also concealed the fact from the Court that one application was moved by Satbir Singh in economic offence wing and they have also concealed various facts from the court and they have submitted the forged

documents in that civil suit. It is also the contention of complainant that documents in the civil suit are false, forged and self made documents and that documents are simply print outs bearing no signatures of any competent authority. The complainant also narrates that accused persons have given false and forged letter heads before the civil court. It is pleaded that it has also been concealed before the court that two conclusion report made by the gazetted officer of the police in favour of the complainant Satbir Singh. Accused persons have made false representation and concealment before the court in the civil suit that is pending before the court. The crux of the offences, as are alleged to have been committed by the accused, can be culled out from the civil suit that is pending before the court and has not been decided yet. As far as the misrepresentation and concealment of the facts are concerned that can only be decided when the civil suit in which the present allegations have been made by the complainant has been decided and till date nothing has been placed on record by the complainant in which it shows that the order of the court has been passed that the accused persons/plaintiffs in that case have concealed the material facts from the court and false and forged documents have been used by them in the civil case. As per contention of complainant himself said civil suit is pending and has not been decided yet. There is not even an averment that there are findings of the civil suit that the accused persons have concealed the facts from the court and nothing has been placed on record by

complainant which shows that this plea has been taken by them in the said civil suit. Mere assertion about a probability of the accused having committed concealment of facts and used false and fabricated documents in the civil suit that is pending in the other court and not in this court not prima facie reveal that accused persons have committed the offence. As for the alleged forgery, it was again required for the complainant to prove that it is the accused who forged those signatures and not merely that the signatures over the documents are not genuine. The onus to at least prima-facie prove the offences against the accused was upon the complainant. However, going by the discussion hereinbefore, it is apparent that the complainant has failed to discharge such onus to the minimum requisite extent. Hence, under given circumstances, this court is of the considered opinion that the complainant has failed to lead evidence to the requisite extent, so as to assume commission of the alleged offences by the accused or the occurrence to have taken place. No ground is hence made out to summon the accused for the alleged offences. Resultantly, the complaint at hand is hereby dismissed. File be consigned to the Judicial Record Room, Hoshiarpur.

Announced in Open Court.
21.08.2024

(Sarabjeet Kaur), PCS,
Judicial Magistrate, First Class,
Hoshiarpur.
UIDNo.PB0620.

Jaswinder

Satbir Singh Vs. Bhagat Hari Singh Trust (ComI-55-23)
(CNR No.PBHO030026592023)

Present: Complainant with counsel Sh. Deepinder Singh Advocate.

Arguments heard. Vide my separate detailed order of today, present complaint is hereby dismissed. File be consigned to the Judicial Record Room, Hoshiarpur.

Announced in Open Court.
21.08.2024

(Sarabjeet Kaur), PCS,
Judicial Magistrate, First Class,
Hoshiarpur.
UIDNo.PB0620.

Jaswinder