

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

CRM-M-41504-2022 (O&M)

Date of Decision:- 26.9.2022

Balkar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Mohan Sharma, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Raj Kumar.

Mr. Jasdeep Singh, Advocate for the applicant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 92 dated 13.8.2022 under Sections 419, 465, 468, 471, 120-B IPC at Police Station Mullanpur, District SAS Nagar (Mohali).
2. The relevant allegations against the petitioner are that the complainant Lt. Col. Pawan Kumar Saran was married to Kavita with whom some litigation was pending. The wife of the complainant had filed a case No. GW/04/2020 titled as '*Kavita vs. Lt. Col. Pawan Kumar*' under Section 18 of the Hindu Adoption and Maintenance Act, 1956. The Court concerned had issued '*Dasti*' summons in the name of Lt. Col. Pawan Kumar Saran (complainant) on 29.9.2020 for 5.10.2020 and accordingly on 1.10.2020, Shri Amit Pahwa, Process Server accompanied by Abhishek Saran son of complainant-Lt. Col. Pawan Kumar Saran proceeded for service of the said summons upon Lt.

Col. Pawan Kumar Saran. It is alleged that the summons were received at the given address by Balkar Singh (petitioner), who impersonated as Lt. Col. Pawan Kumar Saran. Abhishek Saran also endorsed the said service report. After effecting service, the summons were submitted in the Court.

3. The learned counsel for the petitioner has submitted that the main allegations in the FIR pertain to possession of a car and a scooter belonging to complainant Lt. Col. Pawan Kumar Saran which the complainant alleged was being retained by the petitioner and co-accused Abhishek Saran illegally whereas a twist has been given in the case so as to harass the petitioner on account of the fact that the complainant had some matrimonial litigation with his wife who is petitioner's relative. The learned counsel has further submitted that no authenticity can be attached to the allegations as regards the alleged impersonation by the petitioner who is alleged to have been impersonated as the complainant Lt. Col. Pawan Kumar Saran inasmuch as the only evidence is in the shape of report of the Process Server.
4. Opposing the petition, the learned State counsel, assisted by counsel for the complainant, has submitted that there are serious allegations in the present case wherein the petitioner has tried to meddle with the working of the Courts and had intentionally accepted a summon issued in the name of Lt. Col. Pawan Kumar Saran by way of impersonation and which resulted in passing of an order by the Court concerned to proceed '*ex-parte*' against the petitioner.
5. The learned counsel for the complainant, who is present in person, has submitted that apart from the report of the Process Server, statements of the Process Servers have also been recorded on 5.9.2022 in the Court, who

while stating in tune with the case of the complainant have even identified the photographs of the accused which were shown to them during the course of recording of their statements. The learned counsel in this regard has produced copies of the statements, photographs and other documents, which are taken on record.

6. This Court has considered rival submissions addressed before this Court.
7. The allegations against the petitioner are extremely serious inasmuch as he has tried to mislead the Court by way of impersonation and by accepting summons which were addressed to the complainant. Apart from the investigation conducted by the police, the statements of the Process Servers namely Amit Pahwa and Narinder Singh have been duly recorded in the Court. The statement of Amit Pahwa, Process Service is reproduced herein-under:-

“It is stated that I have been posted as a process server in Kharar Court. One summon, in case bearing case no GW/04/2020 issued on 29.09.2020 was brought by Abhishek Saran s/o Lt Col Pawan Kumar Saran to be served at House No. 506, GF, R2F Hyde Park, New Chandigarh; and the summon was marked to me for completing the service. I sat on the motorcycle of Abhishek and was taken to the address given in the summon. I verified the address on ground given in the summon. Outside the house, there was a person standing who was introduced to me by Abhishek to be his father Lt Col Pawan Kumar Saran; to whom the summon was to be served. The person present there, was asked his name; who told that he is Col Pawan Kumar; and after receiving the summons told that the summon was for him; and he signed on the summons in English as P K Saran S/o Hakam Singh; and the same was signed as witness by Abhishek Saran. And the Annexure C-7 attached with the complaint is the photo of the same person who introduced himself to be as Lt Col Pawan Kumar Saran. Now I have come to know that this person is Balkar Singh who is the owner of that

house; where I went to get the summons served. Photograph of Lt Col Pawan Kumar Saran was also shown which was seen and it is stated that the summons was never served to this person. I was shown the photo attached with the complaint as Annexure C-6. I have seen and state that he is the same person with whom I had gone to the address given on summon and who identified the owner of the house Balkar Singh as Lt Col Pawan Kumar Saran. And he also signed on the summon as witness. After getting the summons served, we went to Kharar Courts; where after completing the official process in the Court, Abhishek took the summons with him.”

8. To a similar effect is the statement of another Process Server i.e. Narinder Singh who had also accompanied Abhishek Saran in identical manner for effecting service of *dasti* summons which had been issued on 4.1.2021 for 14.1.2021. He has also identified the photographs of Abhishek Saran and of Balkar Singh which were shown to him at the time of recording of his statement. The aforesaid statements of two Process Servers of the Court leave no matter of doubt as regards the complicity of the petitioner. In these circumstances, this Court does not find any special case for grant of anticipatory bail.
9. The petition, as such, is sans merit and is hereby dismissed.

26.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No