

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

CRM-M-30523-2024
Reserved on: 21.08.2025
Pronounced on: 29.08.2025

Chanpreet Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Sharma, Advocate
for the petitioners.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. D.S. Bhinder, Advocate
for respondents No.3 and 4.

Mr. Jasman Singh Gill, Advocate
for respondent No.5.

ANOOP CHITKARA, J.

1. Petitioner No.1- Chanpreet Singh, who was arraigned as respondent No. 4 in CRWP No. 657 of 2003 had come up before this Court under Section 340 CrPC seeking prosecution of respondent No. 3 to 5 on the grounds that the petitioners (i.e. respondents No.3 and 4 in this petition) mentioned in CRWP No. 657 of 2003 had never filed the said writ petition and somebody impersonated them and the wrong affidavit of respondent No.5 was given in the said writ petition.

2. I have heard counsel for the parties and gone through the record. Respondent No.5 is present in person and has also filed their reply in which he denied his signatures.

3. The bone of contention is the writ petition bearing CRWP No. 657 of 2003. This writ petition was filed by Saranbir Singh as petitioner No.1 who is respondent No. 5 in this petition; Ishwarjot Singh, petitioner No.2 and petitioner No. 3 Shehbaz Randhawa as respondents No. 3 and 4 in this petition.

4. The said writ petition bears date of 19th January 2023 and was filed with the prayer for protection of life from the private respondents i.e. petitioner No.1 in the present petition.

5. The said protection petition is supported by an affidavit of Saranbir Singh, who is fifth respondent in the present petition. The stand taken by Saranbir Singh is that the said petition was never filed by him and his signatures were also incorrect, which have been

forged. The grounds taken in the protection petition are that petitioner No.1 was complainant in FIR No.301 in which respondent No.4 actively abetted and committed suicide of one Satnam Singh. Respondents No.4 and 5 are related to each other and threatening the witnesses. In paragraph no. 6 of the protection petition, a specific averment was made regarding receiving a phone call from an international number, in which allegations were of use of abusive language and threatening from back off from the case, otherwise he would be taken care of. The petitioner claims that the threat calls were also received on mobile phone and the number of mobile phone was given in the petition.

6. Thus based on such allegations, the petitioner apprehended threat and claimed protection of life and personal liberty.

7. An application was filed by Saranbir Singh which bears date of 22nd September, 2023 in which it was mentioned that he had given his blank Power of Attorney to petitioners No.2 and 3 and the affidavit annexed with the petition was not signed by him. He further stated that somebody forged his signatures and misused the blank Vakalatnama.

8. After that, when the matter i.e. protection petition was placed before the Coordinate Bench of this Court, following order was passed:

“Petitioner No. 1-Saranbir Singh has appeared in person and has submitted that he has never instructed the counsel to file the present writ petition and his signatures in all the pleadings are fake. He further submits that, in fact, the signatures on the affidavit do not match with the signatures on the Vakalatnama and the said Vakalatnama has been got signed for filing a writ or a petition for seeking directions for arresting the accused in the present FIR, whereas, the present petition has been filed for protection of life and liberty of the petitioners.

Petitioner No. 1 further submits that, in fact, all the details mentioned in this petition qua him especially with regard to his father's name and mobile number are wrong and incorrect and he is not aware that the mobile number mentioned in the petition belongs to whom. It's a serious issue and accordingly, the matter is adjourned, as the lawyers are abstaining from work today.

Adjourned to 19.10.2023.

It is made clear that this matter will be taken up to a logical end for filing false petition in this case against the concerned.”

9. After that, when the matter was listed before this Court, then on 19th October 2023, the counsel for the petitioners wanted to withdraw and based on such request, the petition was disposed of as withdrawn. At that time it was not brought to the notice of the Court about the observations made by the Co-ordinate Bench of this Court on 26th

September 2023 that the matter would be taken up to a logical end for filing false petition in this case against the concerned.

10. After disposal of the petition, the complainant had come up before this Court by filing the present petition under Section 340 CrPC for initiating inquiry against the petitioners in the said writ petition i.e. respondents No.3 to 5. Respondents No.3 and 4 were not appearing through counsel and this Court had provided a legal aid counsel and 5th respondent appeared in person and the joint stand of all these respondents is that they are not signatories to the said protection petition and as such they are not responsible for its filing.

11. Counsel for the petitioner submits that an inquiry has to be initiated to ascertain that who had forged their signatures before this Court.

12. An analysis of the above factual background leaves no doubt and the petitioners in the protection petition claims that they were not signatories to the said petition. However, simply because they are stating so would not lead to an absolute presumption or proof that their stand being taken afterwards or now is relevant and proved beyond reasonable doubts. Although such stand can be cleared and ascertained in the inquiry if initiated by this Court, but the question is should this Court proceed further by initiating an inquiry under Section 340 CrPC for the reason that actually no harm was caused to this Court or to the State or to rather anyone. It is for the reason that the petitioner in the said protection petition who is respondent No. 5 in the present petition was vigilant enough and had filed an application clarifying that he was not signatory to the affidavit which was annexed with the protection petition. There is no reason for this Court to doubt the stand taken by the respondent that he was not signatory to the affidavit which was annexed with the protection petition. Thus, the main person who was involved in filing the protection petition was fifth respondent who before the decision had filed an application about his stand that he had given a blank power of attorney which was misused and he was not signatory to the said petition.

13. Perusal of the power of attorney annexed with the protection petition does contain signatures of the petitioners. This Court cannot lose sight of the ground reality that in this region, sometimes, the lawyers practicing in the District Court engage the lawyers in the High Court by bringing the signed documents and High Court lawyers only present the said petitions. Although such conduct would not be the right conduct, but only the lawyers cannot be blamed because of the traditional system of filing which is archaic and which have not kept pace with the changing technology and the new trends. Had there been a system of digital signatures along with online affidavit or dispensation of online with digital certification of the contents, this problem would not have arisen. In the entirety of the ground reality as mentioned above, this Court would not like to put entire burden on the counsel who had appeared for the petitioners for the reason that the

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protection petitions are filed in such a hurry that there is hardly any time for the lawyers of the High Court to verify the actual facts. Since every minute matters in case of genuine threat, then lawyers, if delayed and in between if some tragedy occurs, would be held accountable and for that reason they hurry up, and this is one such case.

14. Given above, this Court does not want to proceed further in this matter and the same is accordingly, **dismissed**. All pending applications, if any also stands disposed of.

(ANOOP CHITKARA)
JUDGE

29.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.