

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

CRM-M-36673-2017
Date of decision: 16.10.2018

Gurmeet Sodhi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vishal Gupta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Pardeep, Advocate for
Mr. Vivek Goel, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the present petition is for quashing of order dated 12.06.2017 (Annexure P-9), passed by the trial Court in Criminal Complaint No. NACT-235 of 2016 dated 01.04.2016 titled as ***“Rahul Rana vs. M/s Kuds Chemical Ltd. and another”***, vide which, the petitioner was declared an absconder.

On 29.09.2017, the following order was passed:

“Learned counsel for the petitioner submits that the respondent -complainant has filed a complaint under section 138 of the Negotiable Instruments Act and in this proceedings, vide order dated 12.06.2017 (Annexure P-9), the petitioner was declared a proclaimed offender. Later on, the petitioner surrender before the trial court on 19.09.2017 and vide order dated 19.09.2017, he was released on regular bail passed by the trial Court. In the meantime, vide impugned order dated 12.06.2017 a direction was issued to the concerned SHO for initiating proceedings under Section 174-A IPC. He further submits that since he has put in appearance

before the trial Court and has been granted regular bail, therefore, the order dated 12.06.2017, directing registration of the FIR against the petitioner under Section 174-A IPC is not justified. Notice of motion 08.11.2017. In the meantime, operation of the order dated 12.06.2017, regarding registration of the FIR registered against the petitioner, shall remain stayed.”

Thereafter, the petitioner moved an application that despite the aforesaid order, the police has registered an FIR No. 601 dated 07.11.2017, under Section 174 IPC and a status report, in this regard, was sought from the Commissioner of Police, Panchkula.

Learned State counsel, on instructions from ASI Ramesh Chander, submits that the said FIR was registered as the order of this Court was not communicated to the official concerned and the police is contemplating to submit a cancellation report in aforesaid FIR.

Since the petitioner has already appeared before the trial Court and is regularly facing the trial, without commenting anything on the merits of the case, the order dated 29.09.2017 is made absolute.

As stated by learned State counsel, cancellation report in FIR No. 601 dated 07.11.2017 be submitted within a period of eight weeks from today.

Disposed of.

October 16, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*