

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

CRM-M No. 34627 of 2016

Date of decision : January 09, 2019

Kuldeep Singh

..... Petitioner

v.

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SC Arora, Advocate
for Mr. VS Rana, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG Punjab

Ajay Tewari, J (Oral)

This petition has been filed for quashing of FIR No.111, dated 7.5.2016, registered under Section 229-A of the IPC, at Police Station Civil Lines, Batala, Police District Batala, which has been lodged against the petitioner for his absence in the Court.

The essential facts are that earlier a case was registered against the petitioner, his wife and son under Sections 406, 498-A of the IPC by his daughter-in-law. On investigation, the petitioner was found to be innocent and was kept in column No.2. After 2 or 3 years, by an order dated 28.5.2015, the petitioner was summoned as an additional accused under Section 319 of the Cr.P.C. Summons as well as bailable warrants from time to time were issued to secure his presence but they remained unserved.

Thereafter, on 1.9.2015 straightway non-bailable warrants were issued which were executed and the petitioner was arrested and brought before the Court and ultimately was released on bail.

The precise contention of counsel for the petitioner is that there was no occasion for the Court to have directly issued non-bailable warrants or to direct lodging of the instant FIR in the absence of any service having been effected upon the petitioner. Learned Sr. DAG Punjab is not in a position to justify how without the petitioner having been served of the fact that he had been summoned as an additional accused, non-bailable warrants were issued directly or consequently the instant FIR was lodged against him.

Resultantly, this petition is allowed and FIR No.111, dated 7.5.2016, registered under Section 229-A of the IPC, at Police Station Civil Lines, Batala, Police District Batala is quashed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

January 09, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No